



**SIXTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**(UNREVISED)**

**FIRST SESSION**

**TUESDAY 25 APRIL 2017**

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**THE CABINET****(Formed by Hon. Pravind Kumar Jugnauth)**

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Showkutally Soodhun, GCSK	Vice-Prime Minister, Minister of Housing and Lands
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Tourism
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Health and Quality of Life
Hon. Prithvirajsing Roopun	Minister of Arts and Culture
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Ravi Yerrigadoo	Attorney General
Hon. Jean Christophe Stephan Toussaint	Minister of Youth and Sports
Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives
Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Social Integration and Economic Empowerment

Hon. Mrs Fazila Jeewa-Daureeawoo	Minister of Gender Equality, Child Development and Family Welfare
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries and Shipping
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training
Hon. Purmanund Jhugroo	Minister of Local Government and Outer Islands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services, Good Governance and Institutional Reforms

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Deputy Speaker	Teeluckdharry, Hon. Kalidass
Deputy Chairperson of Committees	Jahangeer, Hon. Ahmad Bashir
Clerk of the National Assembly	Lotun, Mrs Bibi Safeena
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Serjeant-at-Arms	Pannoo, Mr Vinod

**MAURITIUS**

**Sixth National Assembly**

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**FIRST SESSION**

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**Debate No. 05 of 2017**

**Sitting of 25 April 2017**

**The Assembly met in the Assembly House, Port Louis at 11.30 a.m.**

**The National Anthem was played**

*(Madam Speaker in the Chair)*

**PAPERS LAID**

**The Prime Minister:** Madam Speaker, the Papers have been laid on the Table –

**A. Prime Minister's Office**

- (a) Certificate of Urgency in respect of the following Bills (In Original) -
  - (i) The Supplementary Appropriation (2015-2016) (No. 2) Bill, and
  - (ii) The Business Facilitation (Miscellaneous Provisions) Bill.
- (b) Estimates of Supplementary Expenditure (2015-2016) No. 2 of 2017.
- (c) Digest of Environment Statistics 2015.

**B. Ministry of Education and Human Resources, Tertiary Education and Scientific Research**

The Annual Report of the Mahatma Gandhi Institute for the year 2015.

**C. Ministry of Industry, Commerce and Consumer Protection**

- (a) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 8) Regulations 2017. (Government Notice No. 54 of 2017)
- (b) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 9) Regulations 2017. (Government Notice No. 55 of 2017)
- (c) The Consumer Protection (Export Control) (Amendment) Regulations 2017. (Government Notice No. 56 of 2017)

**ORAL ANSWERS TO QUESTIONS**

**APOLLO BRAMWELL HOSPITAL – SALE**

**The Leader of the Opposition (Mr X. L. Duval)** (*by Private Notice*) asked the hon. Prime Minister, Minister of Home Affairs, External Communication and National Development Unit, Minister of Finance and Economic Development whether, in regard to the takeover of the Apollo Bramwell Hospital, he will -

- (a) for the benefit of the House, obtain from the NIC Health Care Ltd, information as to the -

- (i) gross and net proceeds from the disposal thereof after deduction of all costs accrued since April 2015 to date;
  - (ii) reasons for the aborted sale thereof to Omega Ark Limited;
  - (iii) name of the Notary Public whose services were retained for the disposal thereof, indicating the fees payable thereto, and
  - (iv) value ascribed thereto in their books, and
- (b) state if he will consider appointing a Commission of Inquiry to look into the whole matter.

**The Prime Minister:** Madam Speaker, I refer the hon. Leader of the Opposition to the reply I made on 31 August 2016, in my capacity as the then Minister of Finance and Economic Development, to the PNQ of his predecessor, the then Leader of the Opposition, on the same subject. The hon. Leader of the Opposition was then the Deputy Prime Minister and was party to all Cabinet decisions on matters pertaining to Apollo Bramwell Hospital.

Madam Speaker, in 2015, the Apollo Bramwell Hospital along with the other entities in the BAI group were faced with a big financial crisis. The hospital was unable to meet its financial commitments that could have led to its closure, with the consequences that some 700 employees would have lost their jobs. Government decided that its priority was to save the jobs of these employees and that the best option was to sell the hospital as a going concern with the condition to maintain the employees in their jobs.

In the transition phase leading to the sale of the hospital, Government had set up the NIC Healthcare Ltd to oversee its day-to-day operation. The NIC Healthcare Ltd is a wholly-owned subsidiary of the National Insurance Company Ltd, which is under the aegis of the Ministry of Financial Services and Good Governance.

The sale of the hospital was finalised in January 2017 to the Medical and Surgical Centre Ltd, a company within the CIEL Group.

Madam Speaker, as regards part (a) (i) of the question, the gross proceeds from the disposal of Apollo Bramwell Hospital business, excluding buildings and associated infrastructure, was Rs700 m. As regards the lease of leasehold land and hospital buildings, the lessee has to pay an annual rent of Rs60 m.

The net amount after the deduction of all costs accrued since April 2015 to date is Rs77.2 m.



Concerning part (a) (ii) of the question, the sale to Omega Ark Ltd did not materialise because the buyer could not mobilise and transfer to Mauritius by the due date the required funds to pay for the acquisition.

As regards part (a) (iii) of the question, it is the practice for the buyer to appoint the notary and the buyer appointed Me Wenda Sawmynaden as notary. The fees were paid by the buyer.

With regard to part (a) (iv) of the question, the value of the leasehold land and hospital buildings in the books of the National Insurance Company Ltd stood at Rs2.5 billion.

As regards part (b) of the question, no Government can run a country by having constant recourse to Commissions of Inquiry at the mere request or on the mere insistence of the Opposition from any quarter. In fact, gratuitous allegations, baseless criticisms and innuendoes, disinformation and distorted facts, and sheer demagoguery are certainly not elements that can even remotely justify the setting of such a vital Commission as a Commission of Inquiry.

These are no substitutes to evidence.

It is, therefore, not proposed to appoint a Commission of Inquiry on this matter.

**Mr X. L. Duval:** Madam Speaker, I was indeed a member of Cabinet, but not a member of the kitchen Cabinet. So, let us continue on that path.

Madam Speaker, I would like to ask the hon. Prime Minister whether the figure that he gave, Rs700 m., includes...

*(Interruptions)*

Madam Speaker, the nation wants to know what happened to all this, and this is why I am asking! Now, we are talking about Rs700 m. of down payment for the sale. Are we to understand that the Rs77 m. net that is finally received, which will go to the Super Cash Back Gold, includes all payments made to MRA and NPF for the period or does that include the Rs50 m. to be paid to the MRA?

**The Prime Minister:** Madam Speaker, I know of only one Cabinet. Maybe, since...

*(Interruptions)*

**Madam Speaker:** Hon. Jhugroo, do not start making provocations!

**The Prime Minister:** Maybe, since he is having a new partner now, he knows of a different Cabinet.

Now, with regard to whether payments have been made to banks and MRA, let me say that an amount of Rs59 m. has been paid to the State Bank of Mauritius and an amount of Rs59.3 m. has been paid to the Mauritius Revenue Authority. There are two other financial institutions, MauBank which has been refunded Rs165 m. and the National Resilience Fund which has been refunded Rs68.1 m. There has been also a repayment of advance that was taken in order to operate the hospital in the meantime from State Bank, a refund of Rs33.6 m.

**Mr X. L. Duval:** Madam Speaker, the Prime Minister has asked for evidence. I am going to table a copy of a deal between a company called Megacom. and Omega Ark in which, in fact, Omega Ark agrees to pay to Megacom. upwards of Rs90 m., Madam Speaker. It says to Megacom. and its stakeholders. So, we want to know who is Megacom. and who are the stakeholders. This is what Megacom. has promised to do; it has promised to facilitate the deal - I am going to table this, Madam Speaker - to liaise with Government bodies; it has promised to coordinate, to consult, to assist the company in every way possible so that this deal can happen. I would like to ask the hon. Prime Minister whether he is aware of this and, now that he is aware of this, what is he going to do about it?

**Madam Speaker:** Can I ask the hon. Leader of the Opposition to table the document, please?

**The Prime Minister:** Madam Speaker...

*(Interruptions)*

*Ki sok? To pe gagn sok?*

*(Interruptions)*

*To pe gagn sok, non?*

*(Interruptions)*

**Madam Speaker:** Hon. Shakeel Mohamed, please, don't make provocations!

*(Interruptions)*

Yes!

**The Prime Minister:** I must take cognizance of that document because I am not aware about it. Now, whatever happens between a private company, Omega Ark and other

people, I cannot answer for that. I can only answer for Government's business with regard to the sale of Apollo Bramwell Hospital.

**Mr X. L. Duval:** Madam Speaker, it is Government's business when it is to facilitate a deal between Government and a private company. So, Madam Speaker, I am going to ask the hon. Prime Minister whether - the whole thing has dragged on for about 20 months, from April 2015 to final sale in January 2017. 20 months! And the main reason for that, will the hon. Prime Minister agree, was that Omega Ark was given preferred status and was facilitated all the way, so that it could achieve its deal and, in the end, it could not come up with the money? Will the hon. Prime Minister agree that the big error was to allow...

**Madam Speaker:** One question at a time, please!

**Mr X. L. Duval:** Will the hon. Prime Minister tell us why Omega Ark was given every facility in the way that it has been given?

**The Prime Minister:** Madam Speaker, Omega Ark was not given every facility. It was in the normal course of things that, when the Transaction Adviser recommended that the preferred bidder is Omega Ark, then, of course, there were discussions as to how they would proceed in order to obtain their permits and licenses and so on, so that we could finalise the deal. That was it. Now, they were given time in order to effect transfer of funds. They were given till 21 October 2016, that was the deadline. I am informed that they were not able to transfer the funds to Mauritius and to effect the payment of the purchase price. Therefore, Government then decided that we should rescind the Asset Purchase Agreement and then we moved on to the next stage.

**Mr X. L. Duval:** Madam Speaker, as you will know, it is normal practice -and this was also raised by the previous Leader of the Opposition - to ask for proof of funds before even someone is given preferred bidder status and it is a fact that BDO, the Transaction Adviser, from October 2015 onwards, was chasing Omega Ark for this proof of funds; this was never received, and this requirement was waived consistently by...

**Madam Speaker:** Hon. Leader of the Opposition, ask your question!

**Mr X. L. Duval:** Madam Speaker...

**Madam Speaker:** No, don't make a long statement! Please, don't make a long statement. Ask your question!

*(Interruptions)*

**The Prime Minister:** Madam Speaker, I can say that NIC had requested for Omega Ark to show evidence of funds, which they did. In fact, they had communicated documents from banks, if I can remember, probably from Singapore. The hon. Leader of the Opposition is aware of that; he was a Member of this Government!

*(Interruptions)*

When Government agreed to the proposal of NIC to go ahead with the signing of the Asset Purchase Agreement, he was part of this Government.

**Mr X. L. Duval:** Madam Speaker, if you want me to say what actually happened in Cabinet, you will be very surprised, and I don't want to get into that.

**Madam Speaker:** Hon. Leader of the Opposition, please! You will not be allowed to say what happened in Cabinet!

**Mr X. L. Duval:** I have a very good memory on that!

**The Prime Minister:** Madam Speaker, let me say one thing, I have replied, I have not mentioned what happened in Cabinet. I have said he was part of the Government. Discussions took place at the level of Government! I have not mentioned Cabinet!

**Mr X. L. Duval:** Does the hon. Prime Minister want me to say what happened at the level of Government?

**The Prime Minister:** Say what you want!

**Mr X. L. Duval:** I don't think he would! Now, Madam Speaker...

*(Interruptions)*

I don't think he would!

*(Interruptions)*

Madam Speaker ...

*(Interruptions)*

Because I can!

*(Interruptions)*

You just challenge me and I...

*(Interruptions)*

**Madam Speaker:** Calm down, please, on this side of the House!

*(Interruptions)*

**Mr X. L. Duval:** Madam Speaker, my evidence is that, from October 2015, proof of funds was required from Omega Ark. It did not submit. It was requested to submit a deposit of 10 per cent, 6 million dollars in December 2015. It never gave the deposit. Again, Madam Speaker,...

*(Interruptions)*

... it was asked this amount.

*(Interruptions)*

I have to say!

*(Interruptions)*

**Madam Speaker:** Now, don't take my prerogative! It's for me to say whether the Leader of the Opposition should not make a long statement and whether he should come with a question! Yes, please!

**Mr X. L. Duval:** Madam Speaker, I can put it in one question, but on the same subject; it is the waiving of these requirements which would have shown clearly that Omega Ark never had the money and they were merely *courtiers*. This is my point!

**Madam Speaker:** Put your question!

**Mr X. L. Duval:** Now, I will finish on this question. Therefore, it was requested, again, to give only 200,000 dollars deposit...

**Madam Speaker:** Ask your question!

**Mr X. L. Duval:** ... and it never did! Why, when alarm bells were ringing, from 2015 until now, were all these requirements waived by NIC Healthcare Ltd? Why? Is it because of the letter from Megacom which was facilitating all the time? That is my point!

*(Interruptions)*

**The Prime Minister:** Madam Speaker ...

*(Interruptions)*

Not at all!

*(Interruptions)*

Not at all! I say again that there were no facilities which were abnormal that were given to Omega Ark. In fact, as I have stated, they were the preferred bidder, they had proposed a sum which was in excess of the others. I will also remind the hon. Leader of the Opposition of a Cabinet communiqué - which is public and everybody can have a look at the communiqué - dated 15 July 2016, which says that the Letter of Agreement has been signed by NIC Healthcare Ltd with Omega Ark Investment PLC for the sale of business of Apollo Bramwell Hospital. An Asset Purchase Agreement would be signed shortly. Now, all this time, we didn't hear about Bellega Com. or Megacom or whatever Com. It was not coming at all! It was not forthcoming at all!

*(Interruptions)*

It is only now that we hear all sorts of allegations and to me they are – well, if the hon. Leader of the Opposition has any information that he wants to point at me, he can do so!

**Madam Speaker:** Address the Chair, please!

**Mr X. L. Duval:** I am tabling the information, Madam Speaker. I don't know what happens in the kitchen, I have never been there! Now, Madam Speaker, why did a gentleman called Mr *Lutchmeeparsad*, *Chairman of NIC Healthcare Ltd.*, write to Omega Ark by himself, without getting any advice from the Transaction Advisers? Why did he write to Omega Ark within, Madam Speaker, the requirement for the Escrow Account? I will table that and this is what he says –

“We have taken notes of your points raised to have an Escrow Agreement. At this stage, we are not insisting on the Escrow Agreement.”

And we found out, Madam Speaker, that all this time the taxpayer, Super Cash Back Gold, were subsidised in the hospital to the tune of Rs20 m. to Rs30 m. per month.

**The Prime Minister:** Let me just give an information with regard to funds. On 15 August, 2016, NIC Health Care Ltd. had received confirmation from a reputable investment bank, that is, the *Crédit Industriel et Commercial* in Singapore, that both Omega Ark and its Chairperson have substantial cash and bankable assets.

Now, with regard to the Escrow Account that the Leader of the Opposition is mentioning, I again say: Cabinet, in fact, Government decided that they should transfer the

funds by, at latest, 21 October, 2016. They were not able to do so and, therefore, the agreement was rescinded.

**Mr X. L. Duval:** There must be some confusion in the mind of the hon. Prime Minister. We are talking about an Escrow Account since 2015 which was constantly waived. Not just at the end there! Therefore, why did Mr Lutchmeeparsad give the answer? Why did he, himself, by himself, waive that requirement as specified in that mail which I have just tabled? Why did he do it?

**The Prime Minister:** Well, I have already answered, Madam Speaker. When the transaction adviser had recommended Omega Ark as the preferred bidder, then, we, of course, started all the procedures in order to see to it that they would acquire this hospital. But, again, the fundamental point was that they were not able to transfer funds and, therefore, the deal did not go through.

**Mr X. L. Duval:** Madam Speaker, time is going by, will the hon. Prime Minister table a copy of the proof of finance that he is mentioning from that bank, *Crédit Industriel et Commercial*?

**The Prime Minister:** I don't have this information with me, but I will seek advice, first of all, and, if need be, I will do so.

*(Interruptions)*

**Mr X. L. Duval:** Madam Speaker, I want to ask the hon. Prime Minister concerning the value of this hospital now in the books of NIC. It is being rented for Rs60 million a year. Any child who knows anything about valuation will tell you that this building now is not worth more than Rs600 m. to Rs900 m. So, that means that the taxpayer will have to fork out the difference between Rs2.5 billion which he just mentioned and the Rs600 m. which is now valued, that is, Rs1.9 billion which the taxpayer will have to fork out to make up the loss from this mismanagement.

**The Prime Minister:** Madam Speaker, that valuation that appears in the books of the NIC falls under the purview of the Ministry of Financial Services and for any transfer of undertaking, when you look at the Insurance Act, let me quote section 110B subsection (1) which says –

“A special administrator shall, after consultation with the commission, transfer in whole or in part, the undertaking of an insurer or any of its related companies to such insurer and any of its related companies as the Minister may approve.”

Now, the then Minister did approve, the then Minister did find it fit that the value of this concern was...

*(Interruptions)*

Shut up *do!*

*(Interruptions)*

Shut up *do!*

*(Interruptions)*

**Madam Speaker:** Calm down! Please calm down!

*(Interruptions)*

Please! Calm down!

*(Interruptions)*

Please, sit down!

*(Interruptions)*

Hon. Bhadain!

*(Interruptions)*

Hon. Bhadain!

*(Interruptions)*

Hon. Bhadain! I have called you three times! Please, calm down on this side of the House!

Hon. Bhadain, you are not allowed to say that the hon. Prime Minister is lying. You can say that his argument is not correct. So, you said “*menteur*”, please withdraw this word and we will continue. There is nothing dishonourable in withdrawing this word. You say that his argument is not correct.

**Mr Bhadain:** Madam Speaker, on a point of order, the hon. Prime Minister cannot just stand there and say things which basically are not correct and cannot be...

*(Interruptions)*



I do not have an opportunity to answer to what he is saying!

*(Interruptions)*

**Madam Speaker:** Please, calm down!

*(Interruptions)*

Calm down! Hon. Bhadain, please calm down!

*(Interruptions)*

Hon. Soodhun!

*(Interruptions)*

Why is it that you are provoking? I am trying to calm down the House.

*(Interruptions)*

And now, I am going to remind hon. Members! I will come back to the point of order of hon. Bhadain, but I am reminding this august Assembly, all hon. Members, that you are being watched live on TV and that the population will judge you on the quality of discipline that is in this House.

Hon. Bhadain, I have said that you cannot say that the hon. Prime Minister is a “*menteur*”. This word is unparliamentary.

*(Interruptions)*

Withdraw this word and say that his argument is not correct. That is it! We won't lose the time of the House.

Please say so!

**Mr Bhadain:** Madam Speaker, what he is saying is certainly not correct. Whether he has the *mens rea* to lie or not, I do not know.

**Madam Speaker:** Withdraw!

**Mr Bhadain:** So, I am withdrawing the word ‘liar’, but he is misleading the public.

*(Interruptions)*

**Madam Speaker:** Yes! The Prime Minister was replying!

*(Interruptions)*

**The Prime Minister:** Madam Speaker, he has to withdraw unconditionally!  
Otherwise I am not ...

*(Interruptions)*

**Madam Speaker:** Hon. Leader of the Opposition!

*(Interruptions)*

Please!

*(Interruptions)*

Now, calm down! Hon. Leader of the Opposition!

*(Interruptions)*

Hon. Leader of the Opposition, have you almost reached the end of your PNQ? No. You have got more questions.

**Mr X. L. Duval:** I will tell you when I have finished, Madam Speaker.

Madam Speaker, I wanted to ask the hon. Prime Minister who appointed notary Wenda Sawmynaden? Was it the buyer as he seems to be suggesting or, in fact, it was NIC Health Care Ltd. itself? And I will table evidence to that effect.

**The Prime Minister:** Madam Speaker, it is the practice in a sale for the buyer to appoint the notary, and, in this case, the buyer appointed the notary.

**Mr X. L. Duval:** Madam Speaker, I will read from this mail –

“Dear Fadil - I think he was the Chairman or something - we wish to inform you that the Board of NIC Health Care Ltd. This meeting held today...”

*(Interruptions)*

**Madam Speaker:** Hon. Leader of the Opposition!

*(Interruptions)*

Please!

*(Interruptions)*

Why are you getting excited with me?

*(Interruptions)*

Calm down, please! Calm down! Calm down! Hon. Leader of the Opposition, I just wanted to know from which document you are reading.

**Mr X. L. Duval:** From a mail, Madam Speaker!

**Madam Speaker:** Okay.

*(Interruptions)*

But then we have to see whether...

*(Interruptions)*

Hon. Leader of Opposition, please table the document right now!

*(Interruptions)*

**Mr X. L. Duval:** Did the hon. Prime Minister hear the question?

**The Prime Minister:** Of course, I heard! But, Madam Speaker, I do not know what is contained in the supposedly mail. Anyone can recommend anybody, but, at the end of the day, it is...

*(Interruptions)*

Let me answer! Is the hon. Member going to answer for me?

*(Interruptions)*

*To pou reponn dan mo place toi?*

*(Interruptions)*

*Be quand mo reponn, laisse mo reponn!*

*(Interruptions)*

**Madam Speaker:** I just drew Members' attention. I know they are very passionate about it, but, please, calm down. Please, calm down! Yes!

*(Interruptions)*

Hon. Prime Minister, did you have any reply?

**The Prime Minister:** I was saying, Madam Speaker, anyone can recommend anybody but, whatever it is, it is for the buyer. If the buyer wants to appoint a particular person as notary, then...

*(Interruptions)*

*Sanz rol toi!*

*(Interruptions)*

**Madam Speaker:** Now, do not provoke!

Allow the Prime Minister to reply! We are nearly finishing now.

**The Prime Minister:** Then it is for the buyer to choose whoever he wants to appoint as notary.

*(Interruptions)*

**Madam Speaker:** Hon. Bhagwan!

**Mr X. L. Duval:** Will the hon. Prime Minister confirm that the fees, according to the Notaries Act which is said here, are to the order of Rs7 m. payable to this notary, Mrs Wenda Sawmynaden?

**The Prime Minister:** Well, I believe that they have abided by the law as it is prescribed in the law, the fees that have to be paid. I do not have the information about how much fees have been paid, but it is CIEL which has paid the fees and not Government.

*(Interruptions)*

**Madam Speaker:** Hon. Shakeel Mohamed, do you have a question!

*(Interruptions)*

Hon. Bhagwan!

**Mr Mohamed:** Madam Speaker, concerning the notary fees and the email that was just put in by the hon. Leader of the Opposition, can the hon. Prime Minister confirm that, even the Assets Purchase Agreement that Government had authorised the signature thereof between Omega Ark and NIC Healthcare Ltd, since it was approved by Government that, from that very day onwards, it was the notary, Wenda Sawmynaden, who was retained by NIC Healthcare Ltd and who was on the case until she was paid between Rs7 m. and Rs14 m.

**The Prime Minister:** I have information with regard to the sale between Apollo and the CIEL Group. I do not have the other information. Of course, I can look into it.

**Hon. Bhadain:** Will the hon. Prime Minister confirm to the House whether he has met Mr Manoj Dansa, the *courtier* of Megacom...

**Madam Speaker:** Don't mention name, please!

**Hon. Bhadain:** ... and who has negotiated the 4% Commission at the Prime Minister's Office, in the office of Mr Prakash Maunthrooa, and whether he will investigate that and come before this House and tell the truth to the public because, at the end of the day, the commission of 4% was an essential element of the deal and that's why Omega Ark was reimbursed USD200,000 which he has not stated to this House today.

**The Prime Minister:** Madam Speaker, these allegations from the leader of the '*Pepsi Party*' are gratuitous and I challenge him to say this outside the House and then he will see...

*(Interruptions)*

...of what metal I am made of.

*(Interruptions)*

**Hon. Bhadain:** As you have pointed out to me before, I would very humbly request the hon. Prime Minister to withdraw the words '*Pepsi Party*' but, in any case, he has not answered the question.

*(Interruptions)*

**Madam Speaker:** Hon. Soodhun, I have drawn your attention so many times! Please, calm down!

**Hon. Bhadain:** He has not answered the question. So, I am going to table a document which basically shows that Omega Ark not only had negotiated the purchase of Apollo, but also Maubank and this is addressed to his Ministry and to his Financial Secretary. I am tabling the document. There was a commission on Maubank as well.

*(Interruptions)*

**Madam Speaker:** Please, sit down!

**The Prime Minister:** Again, let me say that these are gratuitous...

*(Interruptions)*

Yesterday, the hon. Member was licking my hand and other parts...

*(Interruptions)*

**Madam Speaker:** Hon. Bhadain!

*(Interruptions)*

This is totally unacceptable what you have done.

*(Interruptions)*

I have to order you out.

*(Interruptions)*

Hon. Bhadain, I have to order you out.

*(Interruptions)*

Please, sit down.

*(Interruptions)*

Hon. Bhadain, you have been in this House for two years now. You should know that obscene gestures are not acceptable in this House. The whole population has been watching that. This is totally unacceptable. I order you out.

*(Interruptions)*

This is totally unacceptable.

*(Interruptions)*

No, I order you out. This is totally unacceptable. Order, please!

*(Interruptions)*

Calm down!

*(Interruptions)*

Hon. Bhadain, I order you out!

*(Interruptions)*

It is totally unacceptable what you have done!

*(Interruptions)*

Unacceptable! Hon. Bhadain, out!

*(Interruptions)*

Calm down now! The last question is for the Leader of the Opposition and time is over already.

**The Prime Minister:** Madam Speaker, I have to answer to the last allegation.

*(Interruptions)*

**Madam Speaker:** The Prime Minister has not replied.

*(Interruptions)*

**The Prime Minister:** Let me reply! His partner has put a question. Now, I say this to the Opposition. If they are serious, I will invite the hon. Leader of the Opposition to make a declaration...

*(Interruptions)*

*Requin moustache!*

*(Interruptions)*

**Madam Speaker:** Time is over!

*(Interruptions)*

Please, calm down!

*(Interruptions)*

I have to suspend.

*(Interruptions)*

Calm down, please! Time is over already!

*(Interruptions)*

We have done over this. Hon. Leader of the Opposition, please sit down!

*(Interruptions)*

If Members continue, I will have to suspend.

*(Interruptions)*

**Madam Speaker:** I suspend the sitting.

*At 12.12 p.m., the sitting was suspended.*

*On resuming at 12.19 p.m. with Madam Speaker in the Chair.*

**Madam Speaker:** Please be seated! Yes, I allow the hon. Leader of the Opposition his last question!

**Mr X. L. Duval:** We can finish in a dignified manner. Madam Speaker, in view of what has been established, clear mismanagement, clear favouritism, huge losses for the depositors, conflict of interest, promises of huge commissions, I would reiterate my request to the hon. Prime Minister to have a Commission of Enquiry so that everything comes out to light and whoever needs to be punished and actions to be taken, taken once and for all, in the interest of all the thousands of people who have invested in Super Cash Back Gold.

**The Prime Minister:** Madam Speaker, none of the averments of the hon. Leader of the Opposition are established and I would say if he is serious, he can give a declaration to the Police, table all these documents that are supposedly agreements and so on and then we will direct the Police to carry out an inquiry on this issue.

*(Interruptions)*

**Madam Speaker:** Time is over! Hon. Members, the Table has been advised that PQ B/324 in regard to the introduction of proposed legislation for the Sale by levy and PQ B/338 in regard to the project for the construction of a football pitch at Bassin, Balissage, will be replied by the hon. Prime Minister, time permitting.

Hon. Ameer Meea!



**SALE BY LEVY - COMMISSION OF INQUIRY**

(No. B/288) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Commission of Inquiry set up to look into the Sale by Levy, he will state if the recommendations thereof have been implemented and, if not, why not.

**The Prime Minister:** Madam Speaker, with your permission, I shall reply to PQ B/288 and PQ B/324 together as they both relate to the same subject.

The Report of the Commission of Inquiry on Processes/Practices for Granting of Loans Secured on Immovable Property and Sale by Levy was submitted in August 2014. It was made public on 08 May 2016 and a copy of which was tabled in the House at the sitting of 17 May 2016.

The Report contained 10 main recommendations which are as follows -

First, borrower and guarantor should be provided with a copy of the Loan Agreement prior to the signing of the said Agreement. This has already been implemented.

Second, borrower be given a '*délai de réflexion*' of ten days as well as a '*délai de retraction*' of ten days. This recommendation has already been adopted. In fact, Commercial Banks are giving up to three months for *délai de réflexion* and in the case of *délai de retraction*, following his acceptance to the facility offer, the borrower is given a delay until the date of disbursement.

Third, clients to be informed regularly of outstanding amount. This is already in force.

Fourth, application of Article 2202-6 of the *Code Civil Mauricien* to be in conformity with Article 1154 of the Code relating to Capitalisation of Interest. This has been implemented in the Finance (Miscellaneous Provisions) Act 2016.

Fifth, the Borrower Protection Act to cover all loans secured on immovable property contracted for a residential purpose. The First Schedule of the Borrower Protection Act was amended by way of regulations to increase the maximum sum under a credit agreement from the previous limit of Rs2 m. to Rs3 m. Therefore, all credit facilities up to Rs3 m. will fall under the purview of the Borrower Protection Act.

Sixth, to replace the Office of Commissioner for the Protection of Borrowers by a Commission. This recommendation has not been retained.

Seventh, National Solidarity Fund to provide assistance to deserving families who have lost their residence by the system of sale by levy. This recommendation is being considered in the context of the Budget exercise.

Eighth, all Loan Agreements secured on immovable property should be by authentic deed.

My Ministry is presently having consultations on the secured transactions reforms which will entail amending the *Code Civil Mauricien* and the *Code de Commerce*. This proposal will be considered within that reform.

Ninth, the family residence should not be given in guarantee of loans except when the loan is for the purpose of purchasing land to erect the family residence or the improvement of such residence. This recommendation will also be considered in the secured transactions reforms.

Tenth, to replace the current system of Sale by Levy by a system in line with international best practice, the Attorney-General's Office is currently looking into the process of the Sale by Levy at the Master's Court with a view to bringing necessary amendments to the Sale of Immoveable Property Act. In parallel, the Bank of Mauritius is enlisting the services of a consultant to assist in the setting up and operationalization of the Asset Management Company.

As regards PQ B/324, the hon. Member will undoubtedly appreciate that reform of the Sale by Levy procedures is by no means an easy task.

Nonetheless, I wish to reassure the House that, in line with what is provided in the Government Programme 2015-2019, Government stands committed to bringing necessary reforms to the Sale by Levy procedures and, if need be, we shall come to the House with the necessary legislative amendments by the end of the year.

**Madam Speaker:** Next question, hon. Bhagwan!

#### **STATE INVESTMENT CORPORATION - MRS B. V. - REMUNERATION**

(No. B/289) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to

Mrs B. V.<sup>1</sup>, Acting Chief Executive Officer of the State Investment Corporation, he will, for the benefit of the House, obtain information as to the –

- (a) total amount of remuneration and other fringe benefits drawn and number of overseas missions attended, indicating the cost thereof and per diem allowances paid thereto, and
- (b) other Government owned Companies/parastatal bodies of which she is a Board Member, indicating the remunerations received as at to date.

**The Prime Minister:** Madam Speaker, I am informed by the State Investment Corporation that Mrs. B. V, acting as Managing Director of the Corporation draws a monthly basic salary of Rs123,895 as Group Corporate Secretarial Manager and an acting allowance of Rs55,000. She is entitled to benefits in accordance with the Terms and Conditions of Employment at the Corporation, namely –

Travelling	Rs11,133
Driver Allowance	Rs8,659
Car Allowance in lieu of company car	Rs40,792

I am also informed that Mrs. B. V. has attended only one overseas mission, in June 2015, on behalf of Mauritius Duty Free Paradise Co. Ltd. (MDFP) namely the Tax Free World Association World Exhibition in Cape Town. She was provided with an economy class ticket and a *per diem* of USD 2,760 by MDFP.

Madam Speaker, with regard to part (b) of the question, I am informed that Mrs B. V sits on the Boards of 35 investee companies. In accordance with the Corporation's policy, all directors' fees from Investee Companies are paid directly to the Corporation. SIC officers are in turn paid a fixed monthly directorship allowance by the Corporation. Mrs B.V is accordingly paid a fixed monthly Directorship Allowance of Rs50,000, thus bringing her total current monthly remuneration to Rs289,479 compared to Rs263,188 in November 2014.

**Mr Bhagwan:** Madam Speaker, I asked a question on the same person on 14 June 2016. Can the hon. Prime Minister inform the House what action has been initiated to have this post advertised and filled?

**The Prime Minister:** I stated at that time that there was a study that was commissioned by Deloitte Firm and I understand that there is a draft pre-final report that has been submitted and the final report will be handed over quite soon. So, we are waiting for this report because it concerns the restructuring of the SIC.

**Mr Bhagwan:** Can the hon. Prime Minister inform the House whether his Ministry has received representations from employees not only of the SIC, but also bodies where Mrs Veerasamy is a representative concerning her arrogant and repressive attitude towards workers especially the casino workers; whether he has received such representations and whether he has been able to talk to the person concerned?

**The Prime Minister:** I cannot recall having received any representation, I suppose, in the form of letters. But I will check if there is any.

**Mr Rutnah:** Madam Speaker, as I understand, Mrs B. V. was appointed Ag. Managing Director of SIC following the departure of the former MD. Can the hon. Prime Minister inform the House of the salary and the fringe benefits of the former MD for comparison purposes?

**The Prime Minister:** The former MD from 2006 to 2014, the total was Rs416,075.

*(Interruptions)*

On top of that with unlimited petrol allowance, company car, driver and security officer that was also attached to him and I must say that he went also contrary to the regulations of the SIC whereby the Director's fees have been paid to him in certain cases. Of course, we have to compute that amount. From what I can recall - I don't have the exact information - the SIC had requested the former CEO to refund that amount.

**Madam Speaker:** Hon. Gobin!

**Mr Gobin:** Thank you, Madam Speaker. We heard the hon. Prime Minister saying that Mrs B. V. had sat on some 30 or 35 investee companies. My question is: is this a new practice of sitting on investee companies and, if not, whether the predecessors of Mrs B. V. were also sitting on investee companies and, if yes, how many investee companies?

**The Prime Minister:** Yes, they have been sitting on a number of investee companies also. In fact, if I have the information, Mr I. M. H. has been sitting on 49 Boards and formerly also there has been a CEO, S. G., who has been sitting on 53 Boards.

**Mr Bhagwan:** Has the attention of the Prime Minister been drawn to the fact that this person authorised the organisation of *jeux de cartes*, a sort of tournament at the casino of Grand'Baie whereby more than one million Indian rupees were seized and are still there, without being able to be exchanged in terms of other currencies and this money is lying there? One million Indian rupees!

**The Prime Minister:** Madam Speaker, the hon. Member should come with a specific question because this relates to the salary and fringe benefits of Mrs B.V.

#### **MINISTRIES & PARASTATAL BODIES - NOTARIES PUBLIC - SERVICES**

**(No. B/290) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Notaries Public, he will state and, for the benefit of the House, obtain information as to the names thereof whose services have been retained by the Ministries and parastatal bodies, since January 2015 to date, indicating the –

- (a) criteria used for the selection thereof, and
- (b) quantum of professional fees paid thereto in each case.

**The Prime Minister:** Madam Speaker, as the request made by the hon. Member involves all Ministries, Departments and Parastatal Bodies, the information is being compiled and will be tabled as soon as I have all of them.

**Madam Speaker:** Hon. Shakeel Mohamed!

**Mr Mohamed:** I thank the hon. Prime Minister for compiling. Normally, compiling is done for a lot of volume, but thank you very much.

With regard to this particular issue, there is one company which I would like to ask the hon. Prime Minister a question about, and it falls within the ambit of the question itself, which is the Sugar Investment Trust Property Development Ltd and the appointment of notaries for SITPDL, which is a subsidiary of the Sugar Investment Trust, for Aurea *Morcellement* project at Côte d'Or, Highlands. Is the hon. Prime Minister aware that an Evaluation Committee was set up under the chairmanship of the Chairman of the Board itself, whereby the evaluation exercise was to be carried out for the choosing of notaries? Three notaries were chosen, but in spite of the finalisation of the choice of those three notaries, there was an emergency Board that was once again called by the Chairman...

**Madam Speaker:** Hon. Shakeel Mohamed, please...

**Mr Mohamed:** I am asking a question! Is he aware? Let me put the question!

**Madam Speaker:** Do not provide information!

**Mr Mohamed:** Then, a new notary was appointed, namely Wenda Sawmynaden, going against the choice of the Evaluation Committee. Is he aware of that?

**The Prime Minister:** Madam Speaker, let me say, first of all, that the question that I received - I do not know where it went wrong - was different from that one. Can you imagine! There are so many Ministries with all the departments! There are maybe 100 parastatal bodies. But, anyway, when I received a modified question, of course, I have requested them to furnish all the information with regard to notaries. Obviously, till today, in a short span of time, I am not able to get those information. But once I have them, I will do so and I will table them. Now I will look into the specific question that is being asked by the hon. Member.

**Mr Mohamed:** With regard to Aurea, Côte d'Or, Bois de Natte and Bois de Chandelle, the three *morcellements* of SIT Property Development Ltd. again - because I am referring to what the hon. Prime Minister said, that, normally, it is the practice that the buyer decides who the notary is, and I thank him for having said that earlier this morning - is the hon. Prime Minister aware - and I will table this document - that, in the case of those three *morcellements*, there is a letter from SIT Property Development Ltd, this year itself, that imposes upon the buyer the choice of notary already designated by SIT Property Development Ltd, and funnily enough, the notary that they impose upon the buyer - here, the buyer has no choice - is Mrs Wenda Sawmynaden? Is he aware of that? And I table this letter. Could he explain why is it being imposed?

**The Prime Minister:** Well, I have replied that I do not have the information. I will look into that once they will send me this information.

**Madam Speaker:** Hon. Osman Mahomed, last question!

**Mr Osman Mahomed:** Thank you Madam Speaker. I am picking up from where hon. Shakeel Mohamed left with regard to notary Wenda Sawmynaden, and this time again with regard to a parastatal which was the subject of a Press article of *Sunday Times* of 16 April 2007, whereby the current Managing Director of the NHDC admitted that notary Wenda Sawmynaden has benefitted more contracts than others. Now, my question is as follows: has

there been a change in set-up at the NHDC? I was formerly Managing Director and we had called for Expression of Interest...

**Madam Speaker:** Do not provide information! Ask your question!

**Mr Osman Mahomed:** Has there been a change in procedure and set-up at the level of the NHDC to favour some particular notaries?

**The Prime Minister:** I will look into that, Madam Speaker.

**Madam Speaker:** Next question, hon. Shakeel Mohamed!

**Mr Mohamed:** Thank you, Madam Speaker. We will leave the issue of NHDC to later on, since we will wait for the compiling of the voluminous documents. But what I would like to ask is the following: with regard to Aurea *Morcellement* project, Côte d'Or, Highlands...

**Mr Roopun:** May I take a point of order?

**Mr Mohamed:** Please!

**Mr Roopun:** Madam Speaker...

**Madam Speaker:** I will take your point of order at the end of the question unless it is urgent and it is related to what...

**Mr Roopun:** It relates to that question. Madam Speaker, so far as I understand, and under your correction, supplementary questions should relate to the main answer. In the light of the answer given by the hon. Prime Minister, we are now asking questions, and I think that it is not in order. Since the hon. Prime Minister stated that information is being compiled, there should not be any other...

*(Interruptions)*

I did not want to give the impression that I am just preventing supplementary questions, but they should relate to the main question, and the hon. Prime Minister stated that the information is being compiled.

**Madam Speaker:** Please, sit down! Hon. Roopun, it seems that you are giving me a lesson, and I will not accept that. I am sorry, I will not accept that. I know what I have to do and I wonder why my attention is being drawn to this. I have several times said that the content of supplementary questions should not introduce a matter not included in the original

question. I know that, and I have the right to decide which question to accept and which one not to accept. Next question, hon. Shakeel Mohamed!

**Mr Mohamed:** I had not finished the last question, Madam Speaker.

**Madam Speaker:** No! I said next question, B/291!

**Mr Mohamed:** Fair enough! So, B/291!

### **IMMIGRATION LAWS – INVESTMENT MIGRATION POLICY**

**(No. B/291) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Immigration laws, he will state if consideration will be given for the commissioning of a study with a view to developing a new structured investment migration policy for Mauritius, including, to attract high net worth individuals who may be interested in acquiring a second citizenship.

**The Prime Minister:** Madam Speaker, investment migration is a relatively new concept which has been brought to focus around the world towards 2006. Programmes designed under this concept aim at attracting foreign capital and business people by providing them the right of residence or citizenship in return. The requirements of these investment migration programmes and the residence status that is granted to investors differ from country to country. Some countries grant full permanent residence as part of their programmes, whereas others only grant conditional residence. However, most of the investment migration programmes are structured in such a way as to ensure that the investors contribute to the welfare, advancement and economic development of the country in which they wish to reside or obtain citizenship.

During the past years, as governments around the world have introduced different investment migration programmes, interest among potential high net worth migrants has increased significantly. Growing private wealth in emerging economies has fuelled demand for residence rights and citizenship abroad. Motivations range from the desire to secure a faster or easier route to settlement abroad, gain greater access to visa-free travel or to establish residence in a low-tax jurisdiction, amongst others.

Madam Speaker, the following schemes have been introduced in Mauritius over the years to attract foreign investors and professionals -



- (i) in 2002, the grant of residence permits to non-citizens under the Integrated Resort Scheme;
- (ii) in 2006, the grant of Occupation Permit to foreign investors and self-employed non-citizens;
- (iii) in 2006, the grant of residence permit to retired non-citizens who transfer from abroad a cumulative amount of 120,000 US dollars over a period of three years;
- (iv) in 2007, grant of Occupation Permit to foreign professionals;
- (v) in 2009, the Real Estate Scheme and the Invest Hotel Scheme;
- (vi) in 2012, the Permanent Residence Scheme for ten years;
- (vii) in 2015, the Property Development Scheme and the Smart City Scheme, and
- (viii) in 2016, the Non-Citizens (Property Restriction) Act was amended to allow high net worth foreigners to purchase apartments, which must not be less than Rs6 m.

Madam Speaker, I am tabling the detailed information on these schemes so as not to take too much time of the House.

Madam Speaker, these schemes have contributed to the opening up of the economy and have had a favourable impact in attracting foreign talents and investors and to spur growth in several industries and businesses with the creation of direct and indirect jobs. The benefits of opening up the country to investment and talents are multifold. By attracting investors and professionals to Mauritius, the country has gained in terms of increased Foreign Direct Investment, transfer of technology, new talents and expertise, new start-up companies, increasing consumption, boost to real estate and other economic activities, increasing tax revenue for Government and more international visibility.

Madam Speaker, in the Government Programme 2015-2019, it is mentioned that Government would formulate a new immigration policy and reinforce the Immigration Act to cater for increasing cross-border movement of persons and its associated risks. In this context, following a request from my Office, the European Union agreed, in July last year, to assist Mauritius in the preparation of a National Migration and Development Policy and Plan of Action under its Migration EU Expertise programme. This exercise will not only review the existing schemes in respect of investment migration, but will also look into the links

between migration and development in a holistic manner in order to harness the potential of migration towards achieving an all-inclusive sustainable development.

In this connection, a scoping mission, made up of a team of four experts deputed by the European Union, was carried out from 30 January to 03 February 2017 to collect accurate information and obtain a solid insight of Government's vision and priorities in the field of migration and development. Subsequently, a Situation Report is in the process of being drafted following consultations held with all stakeholders during a workshop which was conducted by the European Union experts on 19 and 20 April 2017. It is expected that the National Migration and Development Policy and Plan of Action will hopefully be finalized by the end of this year.

**Madam Speaker:** Hon. Shakeel Mohamed!

**Mr Mohamed:** Madam Speaker, thank you very much. Could the hon. Prime Minister consider the following; in the whole process of reviewing immigration laws and statute following his answer and the role of the European Union, could he consider the possibility of turning one's back from the actual process which is where the Prime Minister of the Republic of Mauritius has the sole discretion as to decide who obtains nationality, but to move it to a more structured approach where it is not the Prime Minister anymore who will have that sole discretion, but it will be based on guidelines, statute and rules in order to avoid perception of corruption or wrongdoing?

**The Prime Minister:** Well, there are guidelines but, of course, we will look into that.

**Madam Speaker:** Hon. Jhuboo!

**Mr Jhuboo:** Thank you, Madam Speaker. Concerning foreigners who have spent a certain number of years in the country and contributed to the various sectors of the economy in various forms can we know from the hon. Prime Minister whether the Board of Investment is envisaging the possibility of granting a special scheme targeted to this specific group?

**The Prime Minister:** Well, I have mentioned a number of schemes that already exist. Now, as I say, the European Union is carrying out this study for us and will make recommendations. What I see is probably we will have to streamline the number of schemes that we have for foreigners and make it more simple and also reduce the number probably. Bu, this is my own opinion. We have to look at it in the light of the recommendations that will be made. But I must say at the level of the BOI also I have prompted them to have a

review of the different schemes and to come up with suggestions because in the light of the forthcoming Budget, if ever we can maybe streamline and include new measures.

**Madam Speaker:** Hon. Ganoo!

**Mr Ganoo:** Madam Speaker, this question, in fact, deals with the acquisition of a second citizenship. The hon. Prime Minister has mentioned a number of schemes starting with the IRS scheme in 2002. Is he in a position to tell the House with regard to all these schemes that he has just mentioned from 2002 to 2016 the number of non-citizens who have adhered to these schemes and have been granted Mauritian citizenship?

**Madam Speaker:** Hon. Ganoo, the question relates to the developing of a new structured investment migration policy. The information that you have just asked for, most probably, the Prime Minister won't have this information right now because it does not fall within the ambit of the question. You can come with a substantive question on this issue. Hon. Shakeel Mohamed!

**Mr Ganoo:** Perhaps the Prime Minister has the answer, Madam Speaker.

**The Prime Minister:** Well, I have been provided with the information. Number of applicants approved under section 9 of the Mauritius Citizenship Act, naturalisation - I have it from 2000 to 2017. I can table it or does the hon. Member want me to read?

*(Interruptions)*

I can table it, yes.

**Madam Speaker:** Hon. Shakeel Mohamed!

**Mr Mohamed:** Could the hon. Prime Minister, in developing this new scheme with the European Union and all the stakeholders under the aegis of his office, consider the option of, if ever there is the possibility of buying or purchasing a second citizenship or passport, that this also could be done with two provisions: that this does not allow automatically the right to vote or the right to buy property like any other Mauritian citizen would be entitled to, therefore, a different citizenship which would not put fear in the minds of Mauritian citizens and change the electoral composition of our country?

**The Prime Minister:** Well, as it is today in line with our provisions of the law, when you acquire citizenship you are as equal as any other Mauritian citizen, that is, you are able to vote also. Now, if we have to look at a different scheme where you have a different status for

a foreigner, of course, we will look at it, probably the recommendations of that study will tell us.

**Madam Speaker:** Time is over! Hon. Members, the Table has been advised that Parliamentary Question No. B/300 in regard to kite surfing will be replied by the hon. Minister of Tourism. Parliamentary Question No. B/304 in regard to the importation of live cattle, beef, goats and sheep will be replied by the hon. Minister of Agro-Industry and Food Security. Parliamentary Question No. B/332 in regard to the Social Register of Mauritius will be replied by the hon. Minister of Social Integration and Economic Empowerment. Parliamentary Question No. B/353 in regard to the relocation of the inhabitants of the EDC at *Rivière des Galets* will be replied by the hon. Vice-Prime Minister, Minister of Housing and Lands. The Table has been advised that Parliamentary Questions No. B/307, B/329, B/334 and B/343 have been withdrawn. Parliamentary Question A/2 has also been withdrawn. Hon. Rughoobur!

#### **VALE - COMMUNITY HEALTH CENTRE - RELOCATION**

**(No. B/296) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Minister of Health and Quality of Life whether, in regard to the Community Health Centre at the Vale, he will state if he is in presence of representations of some inhabitants of the Vale in relation to the relocation thereof in new premises thereat and, if so, indicate if consideration will be given thereto.

**The Minister of Technology, Communication and Innovation (Mr Y. Sawmynaden):** Madam Speaker, I wish to inform the House that the Ministry has not received any representation from the inhabitants of Vale in relation to the relocation of the Vale CHC to new premises.

However, the land on which stands the Vale CHC belongs to the Vale Village Council in the Ministry has been requested to relocate the services to another site in view of the proposed construction of a new village hall. An exercise is presently being carried out by the Ministry for the rental of a new building to relocate the CHC.

**Mr Rughoobur:** May I request the hon. Minister – I know he is not the substantive Minister – through the substantive Minister to kindly request the Ministry on the possibility of earmarking funds to construct an appropriate Community Health Centre at Vale with all the amenities?

**Mr Sawmynaden:** I will pass on the message, but I will give the other information to the hon. Member that the tender was launched on 17 February 2017, the closing date was 22 March and the file has been sent to the Departmental Bids Committee for the nomination of the bids member. So, it is ongoing for the rental of the new building. Maybe for the other request, I will pass it on to the hon. Minister.

**Madam Speaker:** Next question!

### **DRUGS (SYNTHETIC) - CONSUMPTION**

**(No. B/297) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Minister of Health and Quality of Life whether, in regard to synthetic drugs, he will state the measures taken by his Ministry in collaboration with the local authorities since August 2016 to date, if any, in its fight against the illicit consumption thereof.

**The Minister of Technology, Communication and Innovation (Mr Y. Sawmynaden):** Madam Speaker, I wish to inform the House that the Ministry of Health and Quality of Life is really concerned about the problem of synthetic drugs and is sparing no effort to fight this scourge which is threatening the health and well-being of our citizens, particularly our youth.

Prevention remains one of the pillars in the fight against substance abuse and the collaboration of all stakeholders is of utmost importance to succeed in such endeavour.

The Ministry of Health and Quality of Life is actively involved in an extensive drug prevention campaign on three major fronts targeting namely, the students and youth in general, the community at large and the workplace.

I am informed that since 2016, several initiatives have been taken by the Ministry of Health and Quality of Life in collaboration with local authorities on the issue of drug prevention including synthetic drugs, namely –

- (a) the District Council of Rivière du Rempart has organised stakeholders consultative meetings following which a series of prevention activities have been finalised for implementation as from April 2017, namely -
  - (i) sensitisation of employees of the District Council of Rivière du Rempart, and
  - (ii) advocacy sessions with village councillors of Rivière du Rempart.

- (b) The Ministry of Health and Quality of Life has conducted advocacy sessions with councillors of District Council of Moka in 2016 as well as with the district councillors of Savanne in 2017 in view of seeking their collaboration to facilitate implementation of prevention programmes at village levels. Following this, several awareness sessions have been conducted in community centres of the region of Savanne.
- (c) the collaboration of the Municipalities of Beau Bassin/Rose Hill, Port Louis and Quatre Bornes has also been sought for implementation of prevention activities regarding substance abuse. Awareness sessions for the employees of the Municipal Council of Port Louis will start in early May 2017, and
- (d) The Ministry of Youth and Sports, in collaboration with the Ministry of Health and Quality of Life and other stakeholders embarked as from October 2016 on the innovative project '*Caravane de l'Espoir*' to sensitise the youth through plays and sketches on the harmful effects of drug use and drug addiction. The '*Caravane de l'Espoir*' was launched in Port Louis North and was extended to other regions such as Ste Catherine, St Pierre and Rose Hill. The programme is ongoing and will be carried out in different parts of the country to create awareness on the drug problem.

**Mr Rughoobur:** Madam Speaker, the hon. Minister mentioned activities organised by the Rivière du Rempart District Council. May I, once again, request the hon. Minister, through the substantive Minister, to look into the reasons as to why a representative of the Harm Reduction Unit of the Ministry was not present during the last six consecutive meetings that were held on this issue of synthetic drugs at the Council of Rivière du Rempart?

**Mr Sawmynaden:** I will look into the matter and pass on the message.

**Mrs Perraud:** Madam Speaker, I would like to ask the Minister whether there is a research being done at the level of the Ministry of Health and Quality of Life to find out about the composition of synthetic drugs.

**Mr Sawmynaden:** I guess a lot of research has been carried out. They are reinventing synthetic drugs every day, what they are using and what they are not using, but now the sensitisation campaign is working very well so that we can discourage the youth especially not to go into that kind of drugs.

**Mr Uteem:** The question is about the fight against illicit consumption of synthetic drugs. I know the Minister is not the substantive Minister. Can he pass on the message to the substantive Minister about whether any survey has been carried out to know the number of consumers of those synthetic drugs through the use of schools, NGOs and hospitals so that we have *une idée de l'étendue des dégâts surtout parmi les jeunes*.

**Mr Sawmynaden:** I will pass on the message to the substantive Minister.

**Mr Abbas Mamode:** Madam Speaker, since the victims of synthetic drugs are of very young age, has the Ministry worked out a rehabilitation programme?

**Mr Sawmynaden:** What we want to do is to prevent. That is why we invented the *Caravane de L'espoir* and it started in your Constituency, unfortunately, you were not present.

*(Interruptions)*

You were invited because the Deputy Lord Mayor who is member of your Party came to replace you. This is where we started with the *Caravane de l'Espoir* to give the information through sketch about how harmful this drug can be. Sometimes, we have seen youth losing their lives as well. So, we are working towards that so that we can really prevent the youth going towards these kinds of drugs.

**Mr Mohamed:** Madam Speaker, could the hon. Minister – once again, I realise he is not the substantive Minister – consider going along the same line since Government clearly has retracted from the disastrous policy under the former Minister of Health and Quality of Life of stopping Methadone and of shutting down NATReSA? Could he also look into the possibility or, at least, inform the substantive Minister of the need to forge forward and really leave the disastrous measures of the former Minister and the Government by reopening something which is better than NATReSA and ensuring that there is no increase in illicit drug consumption in Mauritius because of the disastrous policy of this Government when it comes to drug consumption?

**Mr Sawmynaden:** Actually, this Government is having a big fight against drugs and whatever needs to be done to stop this drug problems in Mauritius, it will be done by this Government.

**Mrs Selvon:** Madam Speaker, could the hon. Minister tell the House if Government is coming with the depenalisation or legalisation of cannabis because many youngsters are getting killed nowadays by synthetic drugs?

**Mr Sawmynaden:** I would like to tell the hon. Member that this is something for debate, but when I was Minister of Youth and Sports, we started the fight against cigarette, itself. We were asking the youth not to smoke cigarettes and now you are asking them to go and smoke *gandia*!

**Madam Speaker:** Next question, hon. Rughoobur!

### **GRAND' BAIE - COMMUNITY HEALTH CENTRE - CONSTRUCTION**

**(No. B/298) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Minister of Health and Quality of Life whether, in regard to the project for the construction of a new Community Health Centre at Grand' Baie, he will state where matters stand.

**The Minister of Technology, Communication and Innovation (Mr Y. Sawmynaden):** Madam Speaker, I wish to inform the House that on 22 October 2016, the Ministry of Housing and Lands vested a portion of State land of the extent of 952 m<sup>2</sup> in my Ministry for the construction of a new Community Health Centre.

The present Community Health Centre is accommodated in an old building of 186 m<sup>2</sup> on a plot of land of 545 m<sup>2</sup> and the remaining 407 m<sup>2</sup> of the land is occupied by the Civil Status Office. Since 2016, the Civil Status Office has been relocated elsewhere, the whole plot of land has now been vested in my Ministry.

The Ministry of Public Infrastructure and Land Transport carried out an initial survey on the site on 09 July 2015. It was found that the building was in a deteriorated state and it was recommended that the building should be pulled down and a new Community Health Centre constructed.

The construction of the new Community Health Centre at Grand' Baie has already been included in the Public Sector Investment Programme. Budgetary proposal has been submitted for the project for the forthcoming budget exercise 2017-2018.

**Madam Speaker:** I suspend the sitting for one and a half hours.

*At 1.04 p.m. the sitting was suspended.*



*On resuming at 2.37 p.m. with Madam Speaker in Chair.*

**Madam Speaker:** Hon. Rughoobur!

**CAP MALHEUREUX & PEREYBÈRE - WATER PIPES**

**(No. B/299) Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the water pipes, he will, for the benefit of the House, obtain from the Central Water Authority, a progress report of the works being carried out for the laying thereof –

- (a) from St. François to Cap Malheureux, and
- (b) in Morcellement Swan, at Péreybère.

**The Deputy Prime Minister:** Madam Speaker, I am informed by the Central Water Authority that the contract for laying of 3.6 kms pipelines from St. François to Cap Malheureux was awarded on 09 September 2014 with the commencement date of 05 November 2014.

Unfortunately, the works were suspended in May 2015 due to a dispute regarding the quality of pipes. This matter was resolved in 2016 after lengthy negotiations without any additional cost implication. Works resumed on 01 November 2016 and are expected to be completed on 01 November 2017. This project will improve water supply for about 500 families and the investment is Rs52 m.

With regard to water supply at *Morcellement* Swan at Péreybère, this project was included in the public sector investment plan last year. The project aims at replacing the existing pipes which are not adequate to ensure water supply to the growing population in the region. It will involve replacement of 15.6 kms of pipes and an investment of Rs76 m. and will benefit about 1500 consumers. The contract for the works was awarded in January 2017.

Madam Speaker, allow me to mention that the contract for water pipes work especially in dense residential and commercial areas involves obtaining way leaves, consultations on traffic management, planning of works to avoid inconvenience to road users and ordering of pipes from overseas suppliers which take about three months.

For the *Morcellement* Swan project, the survey works and clearing of sites are in progress. The physical works will start in May 2017 and will be completed in October 2018.

**Madam Speaker:** Hon. Rughoobur!

**Mr Rughoobur:** Let me thank the hon. Deputy Prime Minister for his reply. There is a filtration plant that has been installed at Rouillard recently which has been very beneficial to that locality. May I know from the hon. Deputy Prime Minister whether the CWA intends to install a second filtration plant in that same area to cater for the region of Grand Gaube and Roche Terre?

**The Deputy Prime Minister:** There was one original water treatment plant at Rouillard. Then, a second one was added in November 2016 for 3,500 m<sup>3</sup> that gives the whole region and a third treatment plant will be installed very soon in Rouillard and that will give water to about 2,100 families. What is interesting to point out is that, this means that, instead of 8 hours of water, this area will be getting 16 hours of water daily and progressing gradually until we reach 24 hours by 2019, hopefully. The new plant will be added in June 2017. In addition, there is a private borehole which has been acquired. That is in Goodlands and that will serve the Roche Terre – Grand Gaube area about 3000 m<sup>3</sup>. I do not know the exact figures, but it is quite a substantial amount of water for that area. Perhaps, I can add La Nicolière Treatment Plant which will also help alleviate water supply in the North.

**Madam Speaker:** Next question, hon. Jhuboo!

#### **KITE SURFING - LEGISLATION**

**(No. B/300) Mr E. Jhuboo (Third Member for Savanne & Black River)** asked the Minister of Youth and Sports whether, in regard to kite surfing, he will state if -

- (a) consideration will be given for the introduction of legislation to regulate the practice thereof at commercial level, indicating how safety measures at the surfing spots especially, at Le Morne kite surfing lagoon, will be ensured, and
- (b) he is aware that foreign instructors are dispensing instructions to tourists interested in the practice thereof.

**The Minister of Tourism (Mr A. Gayan):** Madam Speaker, with your permission, I shall reply to this question. With regard to part (a) of the question, I am informed by the Board of Investment that, at present, there 10 foreign kite surf instructors recruited by 3 out the 18 kite surf operators to give instructions to kite surfers including the tourists who are interested in practising that activity.

The House may wish to note, Madam Speaker, that kite surf instructors fall within the scarcity area and my Ministry is usually consulted by the Board of Investment prior to the issue of this category of occupation permit.

Regarding part (b) of the question, I wish to report to the House that my Ministry will shortly introduce a set of guidelines under section 6(f) of the Tourism Authority Act 2006 to regulate the conduct of kite surfing activities in Mauritius. The draft guidelines are currently being finalised in consultation with the Beach Authority, the National Coast Guard, and other stakeholders.

The draft guidelines also provide for record of practice and sailing rules that a kite surfer will have to comply with strictly in order to ensure that kite surfing activities are conducted under safe conditions for all sea users.

**Madam Speaker:** Hon. Jhuboo!

**Mr Jhuboo:** Thank you, Madam Speaker. I have the draft of the proposed guidelines that the Minister shall introduce. Unfortunately, there is one proposition that has not been taken on-board and it is the following. The Kite Surf Association made propositions to the effect of a creation of a defined zone in kite lagoon that would *englobe* a zone for the beginners, a zone for those of intermediate level and another one for professionals. Can we know from the hon. Minister whether this consideration will be taken into account?

**Mr Gayan:** Madam Speaker, I know that the guidelines that are being prepared are highly technical, but I would like to say that reserving any zone for specialised categories of kite surfers may run into difficulties because all beaches are open to the public. So, I do not know whether we can reconcile the use of all beaches by the public with reserving a particular site for any particular activity, but this is a matter that will have to be looked into in the preparation of the guidelines.

**Mr Jhuboo:** Well, a fatal accident occurred in January 2017 whereby a Russian national, unfortunately, passed away. Is the hon. Minister aware that the instructor, a Russian instructor, who was responsible for the security of the client, has already left the country and, therefore, the enquiry, at the level of both the Police and Tourism Authority, *est en train de piétiner*?

**Mr Gayan:** Madam Speaker, I am not aware of this.

**Mr Quirin:** Madame la présidente, doit-on déduire que la fédération de voile n'est en aucune façon, concernée, partie prenante de tout ce qui concerne la pratique du *kite surf* à des fins commerciales?

**Mr Gayan:** Madam Speaker, I just said that the guidelines have been prepared in consultation with the Tourism Authority, the Beach Authority and all other stakeholders. The other stakeholders would be the federation and I am sure they have been informed.

**Dr. Sorefan:** Can the hon. Minister inform the House why has it taken so long for legislation to be enacted in respect of kite surfing activities?

**Mr Gayan:** Let me check what I have in my file. Well, from what I see from my file, Madam Speaker, in 2012, my Ministry started work on the draft regulations for kite surfing activities and the objective was to ensure the safety and security of all beach users and to sustain the kite surfing activities through a licensing scheme, etc. In 2013, consultations were held with the relevant stakeholders and the SLO and then, in 2014, there were two sets of regulations which were prepared, namely by the Tourism Authority for kite surfing regulations and the Beach Authority and they were finalised by the DPP's Office. Then, in 2015, the SLO informed the Ministry that it would not consider the draft regulations worked out by the DPP's Office as it was not its mandate to draft regulations. So, there seems to have been a tussle between the SLO and the DPP's Office and then it was decided, in 2016, to do away with the draft regulations. But we have guidelines which will have the same legal effect in terms of the practice of kite surfing activities. So, these are being worked out.

**Madam Speaker:** Last question, hon. Jhuboo!

**Mr Ganoo:** I have raised my hand a few times. I hope you have seen me.

**Madam Speaker:** Yes. Hon. Member, allow me to draw your attention to the fact that this question has been asked by hon. Jhuboo and I give priority to the person who has asked the question. Besides this, I establish a list of those who want to ask questions on the same issue according to priority. You will understand, and I have said this several times in this House, that I decide on the number of supplementary questions that can be asked on a question. We have started this question at 14.37 hrs, it is already 14.43 hrs. I have given opportunity for five supplementary questions to be asked. It would be very unfair to all those who have their questions on the agenda that their questions are not answered. Yes, hon. Jhuboo!

**Mr Jhuboo:** Thank you, Madam Speaker. The Minister mentioned that there are 10 foreign instructors. My question was in respect of illegal instructors. The foreign instructor, the Russian national, was on tourist visa. So, he was operating illegally in Mauritius and he has left the country. There are approximately 20 foreign instructors operating illegally in the region of Le Morne. So, my question to the Minister is whether he is going to look into this matter urgently and give priority to the local instructors rather than the foreign ones?

**Mr Gayan:** Well, Madam Speaker, I am afraid the hon. Member did not ask the question that he has just mentioned. He asked a question which I have answered, but with regard to training of local kite surf instructors, of course, there are some Mauritians who are doing it, but I must say that this is a very specialised kind of activity which has a lot of safety elements. So, we have to see how it can be done. But I must also say that the Ministry is consulted each time an occupation permit has to be granted by the BOI. It is a scarcity area and I hope that very soon it will not be a scarcity area, but right now, it is within the scarcity area.

**Madam Speaker:** Next question, hon. Quirin!

#### **OMBUDSPERSON FOR SPORTS – REFERRED CASES**

**(No. B/301) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Ombudsperson for Sports, he will, for the benefit of the House, obtain therefrom, information as to the number of cases referred thereto and dealt with by the Board thereof since January 2016 to date, indicating in each case –

- (a) the outcome thereof, and
- (b) if copy of the decision thereof will be tabled.

**Mr Toussaint:** Madam Speaker, let me at the very outset clarify for the benefit of the House that, in accordance with section 46 of the Sports Act, the Ombudsperson for Sports, as the name suggests, is a person and not a Board.

That said, I am informed by the Ombudsperson for Sports that 31 cases have been referred to him since January 2016 to date.

I am tabling a list indicating -

- (i) the status of each case, and

(ii) decisions taken in respect of cases that have been settled.

**Mr Quirin:** Madame la présidente, peut-on savoir de l'honorable ministre qui est actuellement l'*Ombudsperson for Sports* et de bien vouloir nous préciser ses connaissances et compétences en matière sportive?

**Mr Toussaint:** Madame la présidente, l'*Ombudsperson for Sports* est M. Ramesh Sunt.

**Mr Quirin:** L'honorable ministre n'a répondu qu'en partie à ma question. Peut-on connaître ses connaissances et compétences en matière sportive?

**Mr Toussaint:** Madame la présidente, M. Ramesh Sunt est un homme de loi. Donc, il est là pour gérer, pour *inquire into conflicts* et trouver des solutions.

**Mr Quirin:** Doit-on comprendre, Madame la présidente, que l'*Ombudsperson for Sports*, M. Sunt, n'a aucune compétence en ce qui concerne le sport, qu'il est uniquement un homme de loi et que la partie qui est consacrée au sport ne l'intéresse pas?

*(Interruptions)*

**Madam Speaker:** Order, please! No comments on this side!

**Mr Toussaint:** Madame la présidente, ce n'est pas le cas du tout. Donc, comme je dis, c'est l'*Ombudsperson for Sports*. Il est responsable de prendre les conflits qui pourraient venir entre tel et tel sportif, telle personne ou telle fédération. Par exemple, même si l'honorable Quirin a quelque chose à lui demander, il peut recevoir, il n'y a pas de soucis. Donc, c'est un homme de loi qui a besoin de gérer les conflits et éventuellement, si les choses doivent aller au *Tribunal* aussi, il le fait.

**Mr Quirin:** Peut-on savoir depuis quand M. Sunt est en poste et quelles sont les allocations qu'il perçoit?

**Mr Toussaint:** The date of appointment is 17 April 2015.

**Mr Quirin:** Et par rapport à ses allocations, peut-on savoir comment est-ce qu'il fonctionne, *on a permanent basis or on a case to case basis*?

**Mr Toussaint:** Madame la présidente, j'ai essayé de mon mieux de répondre par rapport à la question que l'honorable membre a mise. Donc, je n'ai pas tous ces renseignements avec moi et en temps et lieu je pourrais venir et *submit*.

**Mr Quirin:** Madame la présidente, ma question concerne pourtant l'*Ombudsperson for Sports* et je crois que cela aurait été la moindre des choses que l'honorable ministre ait en sa possession les informations que je viens de solliciter ?

**Madam Speaker:** No! Hon. Quirin, you have asked your question with reference to the number of cases which have been referred. Next question, hon. Quirin!

***JEUX DE LA COMMISSION DE LA JEUNESSE ET DES SPORTS DE  
L'OCÉAN INDIEN – GAMES CHARTER***

**(No. B/302) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the *Jeux de la Commission de la Jeunesse et des Sports de l'Océan Indien*, he will, for the benefit of the House, obtain from the *Commission*, information as to if the issue of the hoisting of national flags of Member States during the official and medal award ceremonies thereof has been solved and, if so, give details thereof and, if not, why not.

**Mr Toussaint:** Madam Speaker, I have to inform the House that one of the items on the agenda of the Extraordinary Ministerial Meeting of the *Commission de la Jeunesse et des Sports de l'Océan Indien (CJSOI)* held on 01 March 2017 was to review the *CJSOI Games Charter*. After lengthy discussions it was agreed that the following three proposals be submitted to Member States' authorities for consideration -

- 1) The use of a single flag of the CJSOI with the mention of the names of the islands for the medal ceremony.
- 2) Reunion and Mayotte use the same flag and same anthem. It is up to them to present a single national selection, and
- 3) That the current charter formula be maintained.

Mauritius maintains that during the Award of Medal ceremonies the flag of the respective member country be hoisted except for Mayotte when the CJSOI flag would be flown.

A final decision would be taken on this issue at the next CJSOI Ministerial Meeting to be held in September 2017.

**Mr Quirin :** Madame la présidente, je suis en présence d'un communiqué émis par la CJSOI à l'issue de la réunion ministérielle dont vient de faire mention l'honorable ministre du 01 mars dernier et dans lequel mention est faite que Maurice préconise, et je cite -

‘L’utilisation d’un drapeau unique de la CJSOI avec mention des noms des îles pour la cérémonie des remise de médailles’.

Madame la présidente, vu la position qu’adopte l’Etat mauricien à travers son ministre des Sports, n’est-il pas injuste pour les sportifs mauriciens de les priver d’une cérémonie du drapeau en bonne et due forme après une victoire ?

**Mr Toussaint:** Madame la présidente, je puis garantir l’honorable membre que tel n’est pas la position de l’île Maurice. Je viens de le dire, en ce qu’il s’agit de la république de l’île Maurice, nous préconisons que les drapeaux de chaque pays soient utilisés à part de Mayotte et comme je viens de le dire une décision finale sera prise en septembre.

**Mr Quirin :** Madame la présidente, quand je consulte à nouveau ce communiqué dont je viens de faire mention, il est clair - c’est écrit noir sur blanc - il y a trois propositions, celle de Madagascar, Mayotte, la Réunion et la proposition de Maurice. Et comme je viens de le citer, Maurice préconise l’utilisation d’un drapeau unique de la CJSOI avec mention des noms des îles pour la cérémonie de remise des médailles. Je vais déposer ce document, Madame la présidente, et c’est tout à fait le contraire de ce que vient d’annoncer l’honorable ministre. Je ne comprends pas car il a, lui-même, participé à la réunion des ministres de la CJSOI. Il a très probablement copie de ce document, comment peut-il venir dire une autre proposition autre que celle qui figure dans ce document?

**Mr Toussaint:** Madame la présidente, en tout cas, je ne sais pas d’où vient le malentendu, mais je puis donner la garantie que le *stand* de Maurice est tel comme je viens de le citer.

#### **NATIONAL SPORTS FEDERATIONS – SPORTS ACT - COMPLIANCE**

**(No. B/303) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the National Sports Federations, he will –

- (a) state if they are all section 4(c) of the Sports Act compliant and, if not, why not, and
- (b) for the benefit of the House, obtain from each Federation, information as to the sports clubs affiliated thereto.

**Mr Toussaint:** Madam Speaker, the 28 National Sports Federations for individual sports have been invited to submit information regarding their compliance with section 4(c) of the Sports Act 2016.



Once the information is received by my Ministry, it will be complied and circulated.

### **EID-UL-ADHA – LIVE CATTLE - IMPORTATION**

**(No. B/304) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to live cattle, beef, goats and sheep, he will, for the benefit of the House, obtain information as to the -

- (a) number thereof imported since July 2016 to date, indicating the names of the -
  - (i) importers
  - (ii) sellers
  - (iii) resellers, and
  - (iv) country of origin thereof, and
- (b) measures taken to ensure adequate supply thereof for the celebration of the Eid-UI-Adha festival this year, especially, following the prevalence of the Foot and Mouth Disease last year.

**The Minister of Agro-Industry and Food Security (Mr M. Seeruttun):** Madam Speaker, I shall, with your permission, reply to this Parliamentary Question as import permits for the importation of live animals are issued by the Division of Veterinary Services of my Ministry.

With regard to part (a) of the Question, I am informed that for the period July 2016 to date, a total of 6,466 live animals has been imported from South Africa by five importers as follows -

Socovia Ltée	-	3,894 heads of cattle and 495 goats
Mr Khalid Nohur	-	83 heads of cattle and 496 goats
Agroboss Co. Ltd	-	117 heads of cattle and 128 goats and sheep
Mauritius Meat Authority	-	492 heads of cattle and 661 goats
Mr. M.E.M. Punjoo	-	100 goats

The Mauritius Meat Authority also imported 1,428 goats from Rodrigues in December 2016/January 2017 to meet the demand for this meat on the local market. In all, 7,894 live animals have thus been imported during that period.

With regard to part (a)(i) and (a)(ii) of the Question, the importers of the live animals are normally the sellers except the Mauritius Meat Authority. The animals to be slaughtered are sent by the importers and buyers to the Central Abattoir of the Mauritius Meat Authority which thereafter distributes the meat to the resellers, i.e. the butchers and meat shops. A list of these 114 resellers is being tabled.

Madam Speaker, as regards part (b) of the Question, it is estimated that some 4,000 heads of cattle would be required for the forthcoming Eid-UI-Adha festival to be celebrated in September 2017.

I would like to re-assure the House that the situation with regard to the Foot and Mouth Disease is under control. No new cases of the disease has been reported since September 2016 in Mauritius and October 2016 in Rodrigues and the third round of the vaccine has been completed. A sero-surveillance is scheduled to start in mid-May 2017 and if no sign of the disease is detected, Mauritius will seek the disease freedom status from the World Animal Health Organisation.

My Ministry will be taking the following measures to ensure an adequate supply of live animals for the Eid-UI-Adha festival in compliance with standing bio-security norms:-

- (i) A Communiqué will be issued shortly to invite potential importers to submit their applications for import of animals;
- (ii) Veterinary checks by a team of local Veterinary Officers will be conducted in the exporting country prior to selection of the animals by the importers;
- (iii) All selected animals will be required to undergo a pre-export quarantine of 14 days prior to embarkation;
- (iv) All imported animals will have to reach Mauritius at least six weeks prior to the festival to enable monitoring of their status by the Veterinary Services;
- (v) Upon arrival in Mauritius, all animals will be quarantined for a further period of 21 days at the Richelieu Quarantine;
- (vi) Additional steps, as appropriate, will be taken to restrict movement of animals and contact with them as a preventive measure.

**Madam Speaker:** Hon. Ameer Meea.

**Mr Ameer Meea:** After the break out of the foot and mouth disease last year, importation from Rodrigues Island was stopped and then, at a later stage, it was resumed, but importation was only restricted to the Mauritius Meat Authority. My question to the Minister

is: when will importation be again possible for the public at large and also the resellers, the people of this business will be allowed for importation again from Rodrigues?

**Mr Seeruttun:** Madam Speaker, I have just mentioned, in my reply, that we are inviting, through a communique, all importers to come forward for the importation of live animals from overseas.

As we all know, Rodrigues also was hit by this foot and mouth disease and there has been a vaccination campaign going on to mitigate that disease.

As at to date, I know the third campaign of vaccination has almost been completed, some tests need to be carried out and samples would be taken to see whether the animals are showing signs of disease or not. If last time the disease has been completely eliminated, then we lift the ban. We are also asking OIE to give us the disease free status. But, so far, what we have done to control any re-entry of that disease from Rodrigues is we have, at the level of the Ministry, given the responsibility to the Mauritius Meat Authority to bring in animals under strict control with the assistance of the Regional Assembly of Rodrigues.

**Madam Speaker:** Hon. Ameer Meea!

**Mr Ameer Meea:** In the last sentence, the hon. Minister mentioned that only the Mauritius Meat Authority is importing from Rodrigues. Will he agree with me that the selling price of the live cattle, of the meat, has actually been fixed at Rs225 per half Kg, and this is being sold to the public at large and to the butchers at the same time? Will he agree with me that it is not the role of the Mauritius Meat Authority to import and to sell at this price to the public at large?

**Mr Seeruttun:** Madam Speaker, I am informed by the Mauritius Meat Authority that this practice has been there for years now and that when we talk about selling to the public it is only the whole animal. They are not selling pieces of meat to the public. Most of the public that come forward to buy from the Mauritius Meat Authority is when they have to celebrate a wedding or some other religious activities. This is when they come to the Mauritius Meat Authority to buy a whole animal to undertake those celebrations.

**Madam Speaker:** Hon. Shakeel Mohamed!

**Mr Mohamed:** Since we are talking about the Foot and Mouth disease and the situation with regard to the cattle in Mauritius, you will recall, Madam Speaker, that, not long ago, the hon. Minister of Agriculture, sitting in this very position as Minister of Agro-

Industry, had stated in this House that his Ministry had tackled the whole issue of Foot and Mouth disease professionally, and I had put a question to him as to why, in spite of the outbreak of Foot and Mouth disease in Rodrigues, his Ministry had authorised cattle to come from Rodrigues into Mauritius, and he defended the position of his Ministry very strongly. Following that, now we have a report of the Fact-Finding Committee that has condemned the position of the Minister and...

**Madam Speaker:** Ask your question!

**Mr Mohamed:**...the Ministry with regard to the incompetence in tackling the Foot and Mouth situation in Mauritius. What, therefore, does the Minister intend to do following the Fact-Finding Committee's report that has clearly described how incompetent his officers and his leadership have been? How does he intend, therefore, to ensure that such incompetence does not go further for 2017?

**Mr Seeruttun:** Madam Speaker, I would leave the public to appreciate the work which has been carried out by my Ministry to tackle this problem. The first case was detected in Mauritius late July 2016, and within just over a month, by mid-September 2016, we did not have any new cases of this disease in Mauritius. We have done everything to make sure to contain that disease, so that it does not get spread all over the island. We have done it, and the hon. Member cannot say that we have not been able to tackle this problem. True it is that the officers of the Ministry were not prepared for that kind of outbreak. This is not my fault, Madam Speaker. They have been there for years. No one has ever wondered to come up with some protocol on how to go about and tackle that kind of outbreak. No one ever! Now we are doing it! We are!

*(Interruptions)*

We have come with a list of measures to do what has to be done to deal with this kind of problem. Bio security measures need to be reinforced and looked at completely for this country to be safe, so that we are not faced with that kind of problem in the future.

**Madam Speaker:** Hon. Ameer Meea!

**Mr Ameer Meea:** Following the outbreak of this disease, there has been the culling of thousands of animals. May I know from the hon. Minister if he has an idea of the amount that has been disbursed to reimburse the people whose animals have been culled?

**Mr Seeruttun:** Madam Speaker, I don't have that figure with me right now because this question was not meant to be talking about the Foot and Mouth disease, but roughly I would say that the number of animals culled was under 2,000, if I am not mistaken. So far, we have not disbursed over Rs40 m.

**Madam Speaker:** Hon. Mrs Sewocksingh!

**Ms Sewocksingh:** Thank you, Madam Speaker. We all know that there was a cyclone and heavy floods that hit Australia and New Zealand in the months of March and April respectively. Can the hon. Minister let us know if these calamities have an impact on the importation of livestock products from these countries?

**Mr Seeruttun:** Madam Speaker, as far as I can recall, we do not import any live animal from Australia.

**Madam Speaker:** Hon. Osman Mahomed!

**Mr Osman Mahomed:** Thank you, Madam Speaker. I guess what my colleague was referring to is that when officers of the Ministry went to depone in front of the Commission, they were passing the buck around. So, this is a question of leadership he was referring to. My question this afternoon to the Minister would be with regard to the importation of animals from Rodrigues for the forthcoming *Eid-Ul-Adha* festival. Notwithstanding the six weeks quarantine period, will those wanting to do it be able to sacrifice their animals at their place of residence or will it be at the place of the Meat Authority like was the case last year?

**Mr Seeruttun:** Madam Speaker, last year, we did not allow any live animal to be imported from Rodrigues once the outbreak was known to us. I have just mentioned that we have just completed the third campaign of vaccination in Mauritius and in Rodrigues and tests need to be carried out to see whether these animals are now free from that disease. Once it is known, then we will decide how we are going to go about with regard to animals that are going to come from Rodrigues to be slaughtered with respect to the forthcoming *Eid-Ul-Adha* festival.

**Madam Speaker:** Next question, hon. Ameer Meea!

#### **HERITAGE CITY PROJECT - STREE CONSULTING - APPOINTMENT**

**(No. B/305) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Financial Services, Good Governance and

Institutional Reforms whether, in regard to the Heritage City Project, he will, for the benefit of the House, obtain –

- (a) information as to the period of appointment of Stree Consulting for the implementation thereof giving –
  - (i) details of the works executed, and
  - (ii) a breakdown of the expenses incurred in relation thereto, and
- (b) copies of the reports submitted in relation thereto and table same.

**Mr Sesungkur:** Madam Speaker, the Heritage City Project was an ambitious and visionary project of Sir Anerood Jugnauth which, if implemented properly, would have created major development and jobs as well as wealth creation opportunities for Mauritians. The project, which was supposed to comprise a modern administrative city and urban development, would have channelled investment of approximately USD820 m., that is, some Rs29 billion. This project, the Highlands City Project, has been pursued by practically all the governments since 2000/2003. So, that project was extremely important for the country and its development.

Unfortunately, the project was a total disaster due to the blatant mismanagement and incredible degree of amateurism of the management team at that time, of which a major aspect was the project management and the financial modelling. The services of Stree Consulting were initially enlisted for the design and detailed master plan of the city. My predecessor described Stree as having unparalleled expertise in creating unique and iconic projects. I am advised that Stree Consulting did not have any strong credentials.

In addition, there was no tendering exercise for the appointment of consultants. In fact, the report delivered by Stree is devoid of key elements and information, which could have reasonably allowed the Government to make an informed decision. For example, there was no cost evaluation of the project. The initial fee agreed for the services of Stree was going to be 9.55 million US dollar or approximately Rs375 m. An amount of Rs39.7 m. has been paid to Stree out of the amount of Rs55 m. transferred to the Heritage City Co. Ltd. I am advised that there was no Government to Government agreement and there was not going to be any hard-core participation by the Government of Dubai in the construction of the Heritage City. In fact, there is a total blackout as to the way this project was going to be financed. The financing model was cunning as it relied a lot on preference shares and sale of properties.

I am further informed that according to the agreement signed with Stree, the contract was for the period 17 April 2016 to 12 March 2018. Now that the project has been stalled, the services of Stree are not required.

As regard to parts (a) (i) and (b) of the question, I am tabling the relevant documents.

As for part of (a) (ii) of the question, I wish to refer the hon. Member to the reply given by my predecessor in response to PQ B/900 last year. It is sad that such a golden opportunity was missed due to the insane ambition and ego of the then Minister.

**Madam Speaker:** Hon. Ameer Meea!

**Mr Ameer Meea:** Madam Speaker...

**Mr X. L. Duval:** On a point of order, I think that the word 'insane' is not relevant, is not parliamentary in this case. Please, ask the Minister to withdraw that word.

**Madam Speaker:** Hon. Minister, please kindly withdraw this word.

**Mr Sesungkur:** Which part is not acceptable?

**Madam Speaker:** It is only the word 'insane'.

**Mr Sesungkur:** Okay, I take that word.

*(Interruptions)*

**Mr Ameer Meea:** Madam Speaker, with regard to the project which the hon. Minister mentioned, may I remind him that it was approved by a special Cabinet which was chaired by the then hon. Prime Minister, now Minister Mentor. Now, he is talking about the project, it is 'insane' and everything. He mentioned that an amount Rs39.7 m. has been paid to Stree Consultant and clearly we had not have value for money for this sum that has been spent, public funds, taxpayers' money. My point is, what is Government doing to recoup this money which has been spent?

**Mr Sesungkur:** Madam Speaker, the hon. Member is right. The hon. Prime Minister was visionary. We had to undertake these kinds of projects. But the actual implementation and project management were more important because that caused this project to go...

*(Interruptions)*

**Madam Speaker:** Please, do not interrupt! I cannot even hear what the hon. Minister is saying, how then would I be able to give a ruling if he says something which is wrong? Please!

**Mr Sesungkur:** Madam Speaker, I was saying that the hon. Member is right because this project has been pursued by several Governments since the...

*(Interruptions)*

**Madam Speaker:** Please! Hon. Members! Hon. Berenger! Hon. Bhagwan! Please, calm down! I have always said that it is out of order from a sitting position to talk to other Members across the floor. Please!

**Mr Sesungkur:** Madam Speaker, I was explaining the importance of the project. I cannot understand what is the problem. This project was a major project of the country. It was a major project of the previous Government and it was going to contribute to the growth of our economy. This is a simple analysis. This is what I am explaining.

Madam Speaker, what went wrong was the implementation. The hon. Prime Minister was right in his vision. He knew what he was doing. So, what went wrong was the management. So, this is why we are today! It is the management of the whole project. You are asking me what we are going to do once we have already paid this sum! What can we do if the funds have been disbursed? If the money has been spent, what can we do? This is part of the contractual agreement.

**Madam Speaker:** Hon. Ameer Meea.

**Mr Ameer Meea:** The hon. Minister is making a show. I think he is getting confused with the Highlands...

*(Interruptions)*

**Madam Speaker:** Hon. Ameer Meea!

*(Interruptions)*

No! Hon. Ameer Meea! Look, we can say now with live broadcasting everybody is making a show, every Member of this House wants to make a show now! So you should not say this!

*(Interruptions)*

Please proceed! Do not make comments, ask your question!



**Mr Ameer Meea:** Madam Speaker, it is a very bad taste! The question is about Heritage City project. There is a difference between Heritage City project and Highlands! It is even not in the same place, at the same area we are talking! I do not know why the hon. Minister is mixing these issues again!

**Madam Speaker:** Hon. Ameer Meea, ask your question!

**Mr Ameer Meea:** The hon. Minister is telling me, what can we do to recover money. We are talking of taxpayers' money! My question is coming!

**Madam Speaker:** We know, but ask your question!

**Mr Ameer Meea:** My question is, as I said earlier, what is his Ministry or Government doing to try to recover this money since they, themselves, have blamed this consultant whom they chose?

**Mr Sesungkur:** Madam Speaker, there is not much to be said. The Member is saying that there is a huge difference between the Highlands project and the Heritage City Project. I would be interested to know what are those differences, how it is more different? Now, regarding the recouping of the expenses...

*(Interruptions)*

**Madam Speaker:** Hon. Shakeel Mohamed! You have got comments or you have got a question? Please, go ahead with the question.

**Mr Mohamed:** Concerning what the hon. Minister has just stated about Stree Consulting and what not, is he aware that it was following the High-Powered Committee's decision and recommendation to Cabinet on 02 March 2016 that Stree Consulting was chosen for five specific reasons, amongst others, the administrative city that he describes, the 1,000 units of 200 luxury modern villas, including the Bollywood fountain etc., for the dancing girls of Bollywood that the Cabinet approved. Now, could he please tell us, if this is the case - and now he is criticising it so much, Madam Speaker - who were the members of that High-Powered Committee and what exactly is his Ministry going to do or Government going to do against the members of this High-Powered Committee even if it concerns civil servants that, at least, they may be called to answer? Thereby, the importance of a Commission of Inquiry to go into the depth of this mess that has been created by this Government!

**Mr Sesungkur:** Madam Speaker, the hon. Member is an experienced Member. He has been Minister in Cabinet. He knows the process. I have explained that the problem was

about the implementation and regarding the amount which has been disbursed, we have received a preliminary report from Stree, so we cannot go beyond that, we have a report, but the fact that this project has been stalled, the story ends here.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. Answering to a PQ on Stree Consulting, not once, but several times, the former Minister of Good Governance stated that Stree Consulting was a G-to-G contract after the then Prime Minister had met with the Dubai representatives in the Airport. And even the Vice-Prime Minister went out and said that it is thanks to this meeting that we had Stree Consulting on board. So, may I now know from the hon. Minister whether he has consulted the Minister Mentor to found out whether it was his doing that the contract with Stree Consulting was signed?

**Mr Sesungkur:** No, definitely not. My reply is based on documents which are contained at the Ministry and I have based my replies on these documents.

**Mr Osman Mahomed:** Just to correct, the Heritage City is at Minissy, not at Highlands. It is not a project of the previous Government.

**Mr Sesungkur:** Where is Minissy then?

**Mr Osman Mahomed:** I have in front of me, Madam Speaker, the Cabinet decision of 02 March 2016. The hon. Minister just mentioned that there was no G-to-G agreement, but the Cabinet decision – and Cabinet decision is supreme - clearly states that Government officials, schematic designs and Heritage City are on a Government to Government basis with the Government of Dubai. It is written black on white.

*(Interruptions)*

**Madam Speaker:** No crosstalking, please!

**Mr Osman Mahomed:** This was endorsed by...

*(Interruptions)*

**Madam Speaker:** Hon. Soodhun, please! Ask your question, hon. Mahomed!

**Mr Osman Mahomed:** .... a High-Powered Committee.

**Madam Speaker:** Ask your question!

**Mr Osman Mahomed:** Can the hon. Minister table all documents that were brought for decision-making at that time?

**Mr Sesungkur:** Firstly, let me correct the hon. Member. I live at Minissy and I know where Minissy is and where Highlands is. They are not very far.

Secondly, as I said...

*(Interruptions)*

It is not the same thing, but Mauritius is not America.

**Madam Speaker:** No! Hon. Ameer Meea!

*(Interruptions)*

**Mr Sesungkur:** When I said there is no formal document of G-to-G, it means what it means. There is no document in the file. Now, there could have been an intention.

**Madam Speaker:** Next question, hon. Ameer Meea!

**Mr Mohamed:** On a point of order, Madam Speaker. My good friend, hon. Mahomed has clearly stated that it was a Cabinet decision of 02 March 2016. We have a problem right now when the hon. Minister is saying - when the Cabinet communiqué says that there is a G-to-G agreement, the hon. Minister is saying that what Cabinet has said is false. So, we have a serious problem here. Either there is G-to-G agreement or not.

**Madam Speaker:** Hon. Mohamed, you can't say it is false. He has got his argument, you can't say it's false.

*(Interruptions)*

Do you have any reply, hon. Minister?

**Mr Sesungkur:** I have never said it is false.

**Madam Speaker:** Next question, hon. Ameer Meea!

**Mr Ameer Meea:** Madam Speaker, a last question on this one.

**Madam Speaker:** No, next question!

#### **RICHE TERRE - JIN FEI SITE - CONSTRUCTION & DEMOLITION WASTES**

**(No. B/306) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Social Security, National Solidarity, and Environment

and Sustainable Development whether, in regard to the Jin Fei site at Riche Terre, he will state if he is aware that it has been converted into a dumping site for wastes and demolition works and, if so, indicate if –

- (a) remedial measures will be taken in relation thereto, and
- (b) dumping sites will be earmarked for the disposal of wastes and demolition works.

**Mr Sinatambou:** Madam Speaker, I am informed that around 500,000 tonnes of waste are generated annually and out of these around seven and a half thousand tonnes are made up of construction and demolition wastes generally known as CND waste. These wastes normally transit through the five transfer stations across the island where there are dedicated platforms for receiving such wastes. From there, they are transported and conveyed to the Mare Chicose Landfill.

I am informed that the construction and demolition wastes which are transported separately from other wastes are used for the backfilling of access roads within the landfill, whereas those construction and demolition wastes which are mixed with normal waste are landfill.

Madam Speaker, I have been advised that there is currently no need to make available specific sites for the disposal of construction and demolition wastes.

Furthermore, I wish to inform the House that Government has not converted the Jin Fei site at Riche Terre into a dumping ground for such wastes.

**Mr Ameer Meea:** Even though the hon. Minister has stated that Jin Fei has not been converted into a demolition site, my question to the hon. Minister is: has he been to the Jin Fei site at Riche Terre recently because I have been there. I have witnessed so many lorries coming there and deposit all their demolition works there in the site at Jin Fei. So, I will clearly ask the hon. Minister to go and visit this area and he can *constater* this *nouveau phénomène de visu*.

**Mr Sinatambou:** Firstly, Madam Speaker, I am appalled that if the hon. Member has been on the Jin Fei site and witnessed lorries dumping wastes at that site that he has not reported the matter to the Police.

*(Interruptions)*

**Madam Speaker:** Order, please!

**Mr Sinatambou:** Because if he is and has been the ocular witness of criminal offences being committed, he should not come and ask me questions here. He should report the matter straightaway to the Police.

*(Interruptions)*

That is what I would have expected the hon. Member to do.

*(Interruptions)*

*Aret prend mo traka, vey to zaffaire!*

Now, secondly, Madam Speaker, I wish to inform the House that, as a matter of fact, I have visited the Jin Fei site.

*(Interruptions)*

**Madam Speaker:** Hon. Ameer Meea! No! You have asked your question. You are from a sitting position, allow the Minister to reply to this question. When you stand up again to ask your question, you can ask ‘when’?

**Mr Sinatambou:** Not only have I been at the Jin Fei site, but since he put the question ‘when’, next time I will go, I will send him an invitation. So, having been there, yes, Madam Speaker, in fact, we have noticed that there has been about 20 lorry full of dumping materials which have been left there.

*(Interruptions)*

**Madam Speaker:** Hon. Ameer Meea!

**Mr Sinatambou:** If you will allow...

*(Interruptions)*

**Madam Speaker:** No, I have drawn your attention to the fact that from a sitting position, you shouldn’t interrupt! How many times should I tell you the same thing?

**Mr Sinatambou:** In fact, the visit I am mentioning was in April. But let me inform the House that already in July 2016, there were reports of earlier dumping being done at the Jin Fei site. Now, the result of the investigation led to a 5-Star hotel being identified as being the source from which the wastes came from. What happened then? From the identification of the 5-Star hotel, we managed to identify the waste disposal company which was supposed to take the wastes away to the transfer stations. From that, we managed to identify the drivers

of the lorries who were employed by that firm and, ultimately, we managed to identify the wrongdoers and they were prosecuted. They were found guilty and part of their sentence was that they actually had to take back the construction and demolition wastes from the Jin Fei site to bring them to the transfer station so that they could then go to the landfill.

Now, what happens this time is that we have asked the *Police de l'Environnement* to try and identify from the wastes, the origin of those wastes. Unfortunately, the investigation has not allowed us to identify the source from which it originated and, as a consequence, instructions have been given to clear the site from the construction and demolition wastes there.

**Mrs Perraud:** I would like to ask the Minister what are the measures taken to protect the inhabitants living in the vicinity of Jin Fei.

**Mr Sinatambou:** To protect from what?

**Mrs Perraud:** The dumping site. The wastes might be hazardous to the health of the inhabitants living in the vicinity of Jin Fei.

**Mr Sinatambou:** I thank the hon. Member for her question. Let me explain that the site which was visited at Jin Fei has shown that there has been unlawful dumping of construction and demolition wastes. So, there is no hazardous waste there which has been deposited.

**Mr Mohamed:** I am not laying the blame at the feet of the hon. Minister or Government, but somewhere they are responsible, since the other ones have to do the job. Now everyone knows in Mauritius that a lot of sites belonging to private people or even State land are very often more and more used as dumping grounds for construction, material or other concrete or iron bars and just thrown there. How many people has he got from whatever unit of his Ministry who are permanently monitoring all those potential dumping sites in order to establish contraventions? How many people and what would be the human resource strength? What manpower has he got?

**Mr Sinatambou:** Well, according to law, under the Police Act, every single member of the Police Force is supposed to prevent and detect crime. So, we have the whole of the Police Force which actually can do it. Now, can I be responsible for everything? No. So I think the hon. Member must be reasonable, we are doing as much as we can, as responsibly as we can and using the available means at hand. And I believe we are doing a fairly satisfactory work.

**Madam Speaker:** Hon. Bhagwan! Next question!

*(Interruptions)*

**BOTSWANA - TRUST FUND FOR SPECIALISED MEDICAL CARE – CARDIAC SURGERY**

**(No. B/307) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Health and Quality of Life whether, in regard to the Trust Fund for Specialised Medical Care, he will, for the benefit of the House, obtain therefrom, information as to if an agreement has been signed between Botswana and the Trust Fund for the carrying out of cardiac surgery in Botswana and, if so, indicate –

- (a) the terms and conditions thereof;
- (b) if other similar visits have been organized, and
- (c) the quantum of donations effected thereto on account thereof and of the other similar visits, if any.

*(Withdrawn)*

**MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION AND INTERNATIONAL - TRADE ADVISERS – APPOINTMENT**

**(No. B/308) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the advisers appointed by his Ministry, he will state the respective –

- (a) terms and conditions of appointment thereof ;
- (b) posting thereof ;
- (c) schedule of work thereof, and
- (d) number of overseas missions effected, if any and, if so, indicate the countries visited and expenditure incurred in relation thereto.

**Mr Lutchmeenaraidoo:** Presently there are three advisers who are appointed by my Ministry, namely -

- (i) Mrs Shakuntala Devi Jugmohun , Special Adviser ;
- (ii) Mr Akilesh Adiratha Roopun, Adviser on communications, and
- (iii) Mr Vivekanand Lochun, Special Adviser on ICT and Advanced technologies.

All three are posted at the Ministry of Foreign Affairs, Regional Integration and International Trade.

The terms and conditions are as follows -

1. Mrs Jugmohun Shakuntala Devi, Special Adviser since 07 of January 2016 on a 3-year contract. The terms and conditions of her contract are aligned with those of various classes of advisers in the public sector. She draws a flat salary of Rs110, 000 plus various allowances amounting to Rs25, 000; a duty free car of up to 2000 cc; passage benefits of 5 % of annual salary; two-month gratuity for every year of service and the free use of a mobile phone up to Rs1000 per month.

I wish to spell out that the above terms and conditions are those prevailing for the class of advisers in the public service.

2. Mr Vivekanand Lochun, Special Adviser on ICT and Advanced Technologies. His 2-year contract started on the 09 of March 2015 and was renewed for a further period of two years from 09 March 2017. He draws a flat salary of Rs95,000 plus a duty free car of up to 1601 cc plus travelling allowance of Rs11,500 monthly plus passage benefits of 5% of annual salary plus a two-month gratuity for each year of service and the free use of a mobile phone up to Rs1000.
3. Mr Akilesh Adiratha Roopun, Adviser on communications, a 2-year contract as from January 2015 renewed for a further period of 2 years as from 20 January 2017. He draws a flat salary of Rs95,000 monthly plus a monthly allowance of Rs7350 plus a duty free car up to 1601 cc plus a travelling allowance of Rs11,500 monthly plus 5% of annual salary as passage benefits and 2 months of gratuity for each year of service as well as the use of a mobile phone up to Rs1000 per month.



Madam Speaker, as regards the overseas missions undertaken by the advisers, I am informed that -

1. Mr Roopun has not effected any mission abroad ;
2. Mr Lochun has proceeded to the Mauritius Embassy in Paris from the 23 to 27 January 2017 in the context of enhancement of IT system at the Embassy. The expenditure incurred to Government amounted to Rs169, 671.
3. Mrs Jugmohun had proceeded on 3 missions abroad since the time of her appointment at my Ministry namely -
  - (i) One to Reunion Island from the 09 to 12 October 2016 in the context of the second *Comité Economique de la Commission Mixte Maurice – Reunion* and the cost to Government was Rs70,571;
  - (ii) The second mission was to Madagascar from 17 to 19 October 2016 in the context of the COMESA Summit Meeting and bilateral discussions with the Malagasy authorities on the Special Economic Zones. The total expenditure incurred was Rs48,000
  - (iii) The third mission was to Reunion Island in the context of the Indian Ocean Council meeting - IOC meeting which was held on 01 March 2017 and the cost to Government was Rs88,555.

Madam Speaker, thank you.

**Madam Speaker:** Yes hon. Bhagwan!

**Mr Bhagwan:** Can I know from the hon. Minister whether Mr Lochun is still a member of the board of the SBM Holdings Ltd.

**Mr Lutchmeenaraidoo:** Yes, Madam when it comes to Board members, Mr Lochun is Chairman of SIFB, Mr Roopun has no Board and Mrs Jugmohun also has no Board.

**Mr Bhagwan:** Can the Minister circulate later on the allowances of Mr Lochun and the other boards? The allowance that are paid to Mr Lochun, can the Minister circulate afterwards.

**Mr Lutchmeenaraidoo:** Yes, I can have it circulated.

**Madam Speaker:** Next question, hon. Bhagwan!

**CEB – GENERAL MANAGER – MEDICAL LEAVE**

(No. B/309) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board, he will, for the benefit of the House, obtain therefrom, information as to if the General Manager thereof is on leave and, if so, indicate -

- (a) who is in charge of the management thereof in the absence thereof, and
- (b) when he will resume duties.

**The Deputy Prime Minister:** Madam Speaker, on 09 November last, the General Manager of the Central Electricity Board, Mr Gérard Hébrard, left for France at very short notice on urgent and immediate medical leave for an original period of two months.

The Board made administrative arrangements for the smooth running of the organisation with assignment of responsibilities to three senior Managers.

1. Mr Shamshir Mukoon, Production Manager to be responsible of the Production Department, the Non-Utility Generation (NUG) Department, and Corporate Planning & Research Department;
2. Mr Chavan Dabeedin, Transmission & Distribution Manager to be responsible of the Transmission & Distribution Department and Customer Service Department;
3. Mr Kesnalall Balgobin, Chief Financial Officer, to be responsible for the Finance Department, the Human Resources Department, the Supply Chain Department, the IT/MIS Department and the Corporate Administration Department and the Rodrigues Branch.

Additionally, the Chairman of the Central Electricity Board and Mr R. Bikoo, Director General at my Ministry and member of the Board exercise an oversight of the management of the organisation and report to the Board as appropriate.

However, the General Manager had to prolonged his leave, his date of resumption of duty is not known at this stage. In the circumstances, the Board has decided to set up a panel to look into the appointment of an acting General Manager.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** I take this opportunity to wish well to Mr Hébrard, everybody knows the difficult time he is having. Is the Minister satisfied with the performance of all the members of the team that the Board has set up to manage the CEB during the absence of the General Manager, Mr Hébrard?

**The Deputy Prime Minister:** Of course, I do not exercise supervision. I get reports from the Board, more especially the Chairman. Of course, there are things that do not go well; there are things that go well. That is not the issue. The issue is that this measure was taken as a temporary expedient but now, unfortunately, health is health, we can't do much with. I thank the hon. Member and I will convey to Mr Hébrard his marks of well wishes, but that is not the point. The point is, now, we have got to grapple with the situation. That is why a panel has been set up, which is chaired by the Senior Chief Executive of my Ministry, to see what to do about it and appoint an Acting General Manager because that is what must be done.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** In the process of choosing an Acting General Manager, will the hon. Deputy Prime Minister make sure that the panel goes into the past records of all those who will be applying and that their case will be taken into consideration while making the final choice? Because we have seen, in the past, where members of the same team managing the CEB had very bad records and even reports have been submitted to the National Assembly.

**The Deputy Prime Minister:** Let me say one thing. I am not going to interfere with the selection panel by giving directives to that panel. This is chaired by the Senior Chief Executive of my Ministry and you know that she is a very capable person. She is going to set down the appointment procedures and make recommendations to the Board. The only thing that I have done is to ask her to be expeditious in her task because that situation cannot go on for too long.

**Mr Bhagwan:** The hon. Deputy Prime Minister has informed us that the Chairperson of the CEB is having a look on the management of the Board as well. Is he paid any special allowance?

**The Deputy Prime Minister:** I don't know. It could be that he is paid an allowance. It could be that he is not paid. I don't know. I must be given notice of that.

**Madam Speaker:** Hon. Shakeel Mohamed!

## VEGETABLES & FRUITS – PESTICIDE RESIDUE

(No. B/310) **Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Agro-Industry and Food Security whether, in regard to the vegetables and fruits produced in Mauritius, he will state the outcome of the tests carried out thereon, if any, to ascertain the level of pesticide content thereof, since April 2016 to date, indicating the -

- (a) number of tests having revealed a content level exceeding the authorized level;
- (b) measures taken to discourage an abuse of the use thereof, and
- (c) if a study has been carried out to establish the causal relationship between the use thereof and the prevalence of certain diseases.

**Mr Seeruttun:** Madam Speaker, I am informed that from April 2016 to date, 378 samples of vegetables and fruits have been collected by FAREI at farm gate level and sent to the Food Technology Laboratory of my Ministry for analysis. The test results obtained indicate the presence of pesticide residue in 92 samples. However, none had residue above the Maximum Residue Levels based on the Codex Alimentarius of the FAO.

For comparison purposes, 66 samples were analysed in a private laboratory, namely Quanti Lab in May/June last year. The results have shown higher Maximum Residue Levels in 6 samples - i.e. in 3 types of chillies, beans, watercress and lady fingers. This is explained by the fact that the analysis carried out by the Quanti Lab used EU standards which are more stringent as compared to the Codex Alimentarius. Moreover, the range of tests conducted at Quanti Lab is much wider than that of the FTL.

With regard to part (b) of the question, numerous measures have been taken by my Ministry to address the problem of pesticide residues in vegetables and fruits. These include

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- (i) the dispensing of an MQA approved training course by FAREI to pesticide users and individual field advice to farmers as well as the dissemination of information through publications and radio talks.
- (ii) the promotion of bio farming activities to encourage planters to adopt and adhere to good agricultural practices. A new standard namely the Maurigap Level 1, has been introduced as from June 2016 and 238 planters have so far been trained with a view to adopting this standard. My Ministry is in the

process of finalising Maurigap Level 2, which will provide for even lesser use of agro-chemicals in food crop production.

- (iii) 722 planters have been trained in Zero Budget Natural Farming for the production of crops without the use of agro-chemicals. This farming practice has been put on hold for the time being because of the Foot and Mouth Disease.
- (iv) the setting up of a dedicated organic production zone of an extent of 63 *arpents* at Britannia for the exclusive cultivation of organic vegetables and fruits i.e not involving the use of any pesticide. Similar zones will be set up in other parts of the island.
- (v) the introduction of a levy of 15% with effect from 30 July 2016 on a selected list of pesticides commonly utilised in food crop production to discourage the use thereof by planters. This measure was announced in the Budget 2016/2017.
- (vi) the conduct of research by FAREI to find alternatives to chemical pesticides. Accordingly the use of bio-fertilizers, bio-pesticides, traps, biological control agents and cultural control practices are being encouraged. Moreover, planters are being advised to use 22 new bio-pesticides for pest managements, and
- (vii) the purchase of a new equipment, an Ultra Performance Liquid Chromatography Double Mass Spectrometer at the cost of Rs26,484,514. This will enable the FTL to analyse a larger number of samples and a wider range of pesticides. The equipment is expected to be delivered by end of June this year.

Moreover, my Ministry is working in collaboration with the FAO for the implementation of the Organic Agriculture Project in Mauritius which will also include a new legislation on organic farming and standards to be adopted. A Pesticide Bill is also under preparation to ensure proper and safe use of pesticides in the cultivation of vegetables and fruits in compliance with international norms.

With regard to part (c) of the question, I am advised that it has so far not been scientifically proven that chemical inputs used in the cultivation of fruits and vegetables may be one of the causes of human diseases. However, the general perception is that excessive,

irrational and abusive use of agro-chemicals in agriculture does have a negative impact on public health and the environment.

**Madam Speaker:** Hon. Shakeel Mohamed!

**Mr Mohamed:** Thank you, Madam Speaker. I would like to pick up where the hon. Minister has just left off. He has said that there is no - if I understand him correctly - established report to confirm the linkage between the overuse or abuse of pesticides in vegetables and disease. For me, I had in mind a very prevalent disease in Mauritius that is clearly on the increase and is of concern to all of us. I am here reading a report. Is he aware of the website of the World Health Organisation itself that clearly states that -

“pesticides are also potentially toxic to humans. They may induce adverse health effects including cancer, effects on reproduction, immune or nervous systems (...)”

I may go on. This is available on the website. It is not even a report. I will print it. How does the hon. Minister reconcile what he has just said because I have the impression it is from the lobby of some industrial group saying that there is no causal link between pesticides use on vegetables....

**Madam Speaker:** We have understood your question!

**Mr Mohamed:** ...and disease when the World Health Organisation Website clearly says it does?

**Madam Speaker:** We have understood your question!

**Mr Seeruttun:** Madam Speaker, in my reply I have just said that it is not proven scientifically. This has been carried out by the Ministry of Health and Quality of Life who is responsible to look into whether the abusive use of pesticides in vegetables and fruits could have an effect on the health of an individual. I remember when the hon. Member was Minister in the previous Government and his former colleague, the Minister of Health and Quality of Life, he came here himself and said the same thing, that there was nothing in the report that would confirm that there is a direct relation between pesticides and the health of individuals. But we are all aware that today when we look at new diseases that we are being faced with, we are alarmed by that. That is why this Government has taken it as a measure to discourage the abusive use of pesticides so that we can go more towards organic farming. We are putting all the efforts, as you can see, with the

measures that I have just mentioned to show our commitment to decrease the use of pesticides in agricultural practices.

**Mr Mohamed:** Just looking here at the report of 2015 and just to put things in perspective, whenever the Minister of the former Government replied, it was before 2015 and obviously, we are in 2017 and the website I am reading dates of 2016. Now, I am just, for example, Madam Speaker, looking at the figures of his Ministry, on his website, the Ministry of Agro-Industry on pesticides residues for 2015. Out of the figures of 2015, 24% of the vegetables that were tested were found to contain pesticides. Now, what mechanism exists in order to get the planters who go above board and who do not listen to the training, do not stay in line with what is humanly acceptable for human health? What does his Ministry have as far as mechanisms are concerned to take them to task? Can he prosecute them, if so, under which law? Can he fine them, if so, under which law?

**Mr Seeruttun:** Madam Speaker, so far, there is no law that allows us to prosecute a farmer who is making abusive use of pesticides. But I have just mentioned in my reply that a Pesticide Bill is under preparation and we are looking at ways and means to make it an offence, a criminal offence for those who go overboard in the use of pesticides. So, we will come forward with the Bill and eventually, we will see how far we can go to prevent any farmer from making abusive use of pesticides. I must also inform the House, Madam Speaker, at a time when this is the concern of one and all, where we need to put money in equipment, in training people to carry out those tests, there was one Food Tech Lab at the Ministry of Agro-Industry that was not functioning at all, with equipment not in operation under that Government that was in power for ten years. We have carried out an audit. Equipment were laying idle for unknown reasons, for years. And that is why we are putting aside Rs26 m. to re-equip that equipment, to make sure that we can carry out those tests and also training the officers to be in a position to carry out tests and to interpret those tests.

**Dr. Joomaye:** I would like to know from the hon. Minister whether he has a say or his Ministry is controlling the marketing methods and the information given to planters by the companies distributing pesticides.

**Mr Seeruttun:** In fact, we don't have a say, but we do recommend in terms of the use of the pesticides, in terms of dosage in quantity at the time when we have to apply those pesticides. But you will see in all the containers of those pesticides, the usage method is well

spelt out so that the farmers are aware of how to use those pesticides so that there is no question of land being misused.

**Mr Osman Mahomed:** In 2015, my question B/400 in ethephon, in pineapples, the Minister has defined Maurigap as being green agricultural certification by MSB and then, along the way, it was diluted in statement to *agriculture raisonnée*. Can the hon. Minister tell the House how does he reconcile the fact that motherhood statements have been made and the later statement by *le secrétaire de la Chambre d'agriculture* yesterday itself, saying that *les échanges* in matters of agro-chemicals '*les échanges d'innovations bloquées par la méfiance entre agriculteurs*', how does the Minister propose to walk the talk between motherhood statement and the reality on the ground?

**Mr Seeruttun:** Madam Speaker, we are dealing with farmers who have been in that activity for years. Changing habits, changing ways of doing agriculture is not something that you can do overnight. That is why we have come with lists of different measures, be it in terms of sensitising the farmers, educating them by training, by banning a number of different kinds of pesticides and also promoting organic farming. These are the ways and means that we are putting in place to reduce the abusive use of pesticides. We have also to be clear on that, we cannot go from conventional farming to organic farming overnight, we must be aware. Even if you stop the use of pesticides, there are residues that stay in the soil for some years and that is why we have to go towards organic farming gradually and according to scientific research, it takes about two to three years for all residues to be eliminated completely from the soil.

**Madam Speaker:** Next question, hon. Shakeel Mohamed!

### **QATAR - MAURITIAN WORKERS - EMPLOYMENT**

**(No. B/311) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Labour, Industrial Relations, Employment and Training Whether, in regard to the Labour Agreement signed between the Republic of Mauritius and the State of Qatar, he will state the steps taken by his Ministry, if any, to explore job opportunities for Mauritian citizens in Qatar, especially, in view of the forthcoming Soccer World Cup.

**Mr Callichurn:** Madam Speaker, an agreement was signed on 09 February 2014 between the Government of the State of Qatar and the Government of Mauritius for the



purpose of offering safe and well-managed employment opportunities to Mauritian workers in the State of Qatar.

I am informed that the Government of the State of Qatar had requested that the mechanism followed by them for the regulation of manpower employment requires that the bilateral agreement between the two countries be authenticated by the Mauritian side so that it may enter into force.

Action has been initiated accordingly through the Ministry of Foreign Affairs, Regional Integration and International Trade. Once the State of Qatar confirms its agreement, the provisions thereof would be operationalised.

I am further informed that our Ambassador to the United Arab Emirates will resume office next week. I have already requested the Ministry of Foreign Affairs, Regional Integration and International Trade to instruct the Ambassador to look into employment opportunities in the Arab countries, more so in the context of the upcoming World Cup and Expo 2020 in Dubai.

**Mr Mohamed:** Would the Minister consider having a Ministerial Committee to look into the matter forming part of himself, the Minister of Tourism and the Ministry responsible for HRDC, since there are ample opportunities there in mainly the hospitality industry and other industries as well as the forthcoming World Cup, as I stated in the question, maybe having a Ministerial Committee to work on it and having a delegation to go up to the Gulf region, maybe helped by the hon. Vice-Prime Minister who is a roving Ambassador, if I may call it, in that region in order to help us have good jobs?

*(Interruptions)*

Yes. I am giving you a compliment. Take it easy!

**Mr Callichurn:** The suggestion of the hon. Member will be taken into consideration, Madam Speaker.

**Madam Speaker:** Hon. Jahangeer, next question!

*(Interruptions)*

Order, please!

*(Interruptions)*

Please! Please!

**CEB FIBER NET CO. LTD. – LOAN AGREEMENT**

(No. B/312) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board Fiber Net Co. Ltd., he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the quantum of the loan granted by the Central Electricity Board thereto for material purchase, if any.

**The Deputy Prime Minister:** Madam Speaker, I am informed by the Central Electricity Board that CEB Fiber Net Co. Ltd. was incorporated on 11 October 2016 with CEB as sole shareholder.

The CEB Board has decided that, in the initial stages of the operation of CEB Fiber Net Co. Ltd., it would meet the expenses of the company pending the completion of all administrative procedures for the opening of the bank account and the signing of a shareholders' loan agreement between CEB and CEB Fiber Net Co. Ltd.

CEB is recording the expenses incurred on behalf of the company as advances. An amount of Rs13,714,661 has been spent on behalf of the company. The bulk of this amount, Rs12,055,599 was payment of VAT to the Mauritius Revenue Authority in respect of importation of telecommunication equipment.

**Madam Speaker:** Hon. Jahangeer, you may now go ahead with your supplementary question.

**Mr Jahangeer:** Yes, Madam Speaker. Will the hon. Deputy Prime Minister inform the House about the nationality and the salary of the man running the day-to-day management?

**The Deputy Prime Minister:** I am afraid I do not understand the question!

**Madam Speaker:** I do not know whether the Deputy Prime Minister is prepared to reply to this question, but the question relates to the quantum of loan granted by the CEB for material purchased. I cannot see how the question of the hon. Member gets into this.

**The Deputy Prime Minister:** The hon. Member may, of course, come with a substantive question and I shall answer or he can formulate it in another way and if I have the information, I will gladly reply.

**Mr Jahangeer:** Madam Speaker, can the hon. Deputy Prime Minister inform the House how much equipment has been purchased by this company to date and if there was public tendering?

**The Deputy Prime Minister:** Five bidders were invited on a selective basis to submit their proposals. These were –

- Coriant Technologies;
- FidCom;
- Wuhan Fiberhome International Technologies Co., Ltd,
- Huawei Technologies, and
- ECI Telecom

Only three bids were received from Coriant Technologies, ECI Telecom and Huawei Technologies. Bidders were requested to submit their proposals for technical and technical/financial separately. The financial proposals would be opened only if technically responsive.

The Bid Evaluation Committee was set up and only one bidder was found to be technically responsive, and that was ECI Telecom. The contract was awarded to ECI Telecom for USD 5,838,094, that is, Rs210 m. as follows –

- on 15 February 2017 for active equipment contract, amounting to 4.191,399 and
- on 14 March 2017 for telecom shelter supply contract, amounting to 1.646,695 USD.

**Madam Speaker:** Hon. Shakeel Mohamed!

**Mr Mohamed:** Thank you, Madam Speaker. With regard to this particular company, which is the Central Electricity Board Fiber Net Co. Ltd., could the hon. Deputy Prime Minister confirm that this company has been created in such a way that it does not have to comply with the central procurement laws of Mauritius and it also falls outside the verification process of the Director of Audit, and hence has no transparency whatsoever with regard to the procurement of all this amount of money that has been advanced from the Central Electricity Board to that private company, hence, we have no control?

**The Deputy Prime Minister:** That is not so, Madam Speaker.

Si je peux rafraîchir la mémoire de la Chambre et de l'honorable membre, aux paragraphes 127 et 146 du discours du budget, l'honorable ministre des Finances, tel qu'il l'était à l'époque, avait annoncé d'abord l'incorporation d'une compagnie pour le *renewable energy* comme subsidiaire et en même temps le *Fiber Net* pour la fibre optique, ainsi qu'une troisième compagnie pour les activités annexes. Lors des débats, l'honorable Uteem, l'honorable Mohamed et l'honorable Ganoo, si je ne m'abuse, avaient soulevé un point, parce que dans le *Finance (Miscellaneous Provisions) Bill*, c'est-à-dire la loi de finances qui suit le budget, c'était écrit que –

*“The Public Procurement Act shall not apply to any procurement exercise effected by a company set up under subsection 2.”*

C'est à dire que la loi sur le *procurement* ne s'appliquerait pas du tout. Ça c'était dans le projet de loi et non pas, comme malencontreusement suggéré par le leader de l'opposition, dans le *Finance Act*, parce que dans le document qu'il a produit à la Chambre, il a dit que cela figurait dans le *Finance Act*, dont il produisait un extrait. Par la suite des interventions de mes trois confrères, voilà ce que je dis –

*“The next issue is procurement and that is what we find in section 6(3) of the Bill (...).”*

Ce que je viens de lire –

*“I take the points that have been raised by the three interveners of the Opposition and I think that they are right. The way that it is drafted, it is as if you are making them become like Rey & Lenferna or Henri Le Maire or whatever. This is not the intention. This has never been the intention. The intention is not to allow a free-for-all, that is, the companies do what they want, as hon. Mohamed stated. Your points are well taken, and let me say that was not the intention.”*

Que se passe-t-il après cette intervention ? Je consulte le *Deputy Prime Minister*, mes supérieurs, si je peux dire, à l'époque, et le ministre des Finances, puisque c'est lui qui pilote le *Bill*, ainsi que le Premier ministre à l'époque. Je les consulte et je leur dis que leurs points sont valables et qu'il faut faire cela devenir des *exempt organisations*. Ce n'est pas un jeu de mots. *Exempt organisations* a une signification particulière sous le *Public Procurement Act*. Que se passe-t-il ? Le *Central Electricity Board* est un *exempt organisation* lui-même. Comment peut-il être un *exempt organisation* et son subsidiaire n'est pas *exempt* ? Ce n'est pas logique. Ce n'est pas normal. C'est ainsi qu'on insère dans la loi que ces compagnies du

CEB seront un *exempt organisation*. J'attire l'attention que tout cela a été fait au Parlement à travers un projet de loi librement débattu et consenti, alors que les honorables membres, après l'amendement qui est suggéré, ne lèvent aucune protestation et ne font aucun commentaire, et l'honorable leader de l'opposition qui est consulté, je me souviens très, très bien...

**Mr X. L. Duval:** Madam Speaker, on a point of order. Last week, I mentioned that the Prime Minister had said something to me and you corrected me. Did you not? In this case, here, I have no recollection of this being consulted; neither does the actual Prime Minister because he could not remember last year. So, how can there be *deux poids deux mesures* here?

*(Interruptions)*

**The Deputy Prime Minister:** If the hon. Leader of the Opposition does not recollect that conversation, I cannot persist.

*(Interruptions)*

No, I cannot persist! I cannot persist in this if he has no recollection!

**Madam Speaker:** Reply to your question now!

**The Deputy Prime Minister:** Let me continue! The question has been asked!

*(Interruptions)*

**Madam Speaker:** I think the hon. Deputy Prime Minister has made the point!

*(Interruptions)*

**The Deputy Prime Minister:** Let me go back down memory lane. In 2006 or 2007- I do not have the year with me - when the Leader of the Opposition was a senior Member of Government, in *catimini*, they incorporated CEB - ICL Ltd. without going through Parliament, without doing anything. To give 26% of USD200 m. to CT Power! I am telling you that is how we did the process and how the process was done.

**Madam Speaker:** Hon. Collendavelloo, I think you have made your points. You have clearly explained the law. We can pass on now to the next question from hon. Uteem.

**Mr X. L. Duval:** Madam Speaker, I do have a question on this.

**Madam Speaker:** You got a question on the same subject?

**Mr X. L. Duval:** Madam Speaker, you will recall that he corrected me last week. Fair enough! The CEB is meant to prescribe procurement rules with this company. You have not, as far as I have known, and why not, although you have awarded so many contracts, have you not yet prescribed any rules for procurement for CEB Fiber Net Ltd whilst you have had time to allocate so many contracts?

**The Deputy Prime Minister:** The Leader of the Opposition might save us from his theatricals. The company, Fiber Net, has passed a Board Resolution to the effect that they are adopting the procurement rules already existing in the CEB and ...

*(Interruptions)*

Hold on!

*(Interruptions)*

Don't get excited with me! Keep cool! Let me say one thing. The company is holding discussions with the National Audit Office to consider how the audit of the accounts of CEB Fiber Net Co. Ltd should be conducted by the...

*(Interruptions)*

Wait a minute! You keep quiet. *Guet sa, zenfant alle jouer dehors! To kann tout alle jouer dehors!* I am explaining clearly what the situation is. If the hon. Member does not like my explanation, he can go and play outside. You can go and play à lamarelle. Listen to my answer! You cannot get away from it. If a question has been asked, I will either answer or not answer.

*(Interruptions)*

You may not like my answer, but that is my answer and that is the truth. The rules of procurement of the CEB are adopted by the CEB Fiber Net.

**Mr X. L. Duval:** Madam Speaker, he corrected me last week, saying that the law requires for the rules to be prescribed for it to become law. At the moment all there is, is a board meeting. Someone has, in *catimini*, accepted some rules. We do not know what they are, and tomorrow, in the next board meeting, they can change it. What we want are rules that can be checked by everyone and that can be audited and that the public can see that all this money is not going to whoever and whoever. We want it to be prescribed as he corrected me last week himself.

**The Deputy Prime Minister:** These are not the days when you could take money of Government and give them to CT Power. If you go on the Internet, you will see ...

*(Interruptions)*

Stop interrupting me, Leader of the Opposition! You are not worth what you say you are! You are wasting the time of the House every week.

**Madam Speaker:** No, no! Hon. Collendavelloo!

*(Interruptions)*

Order, please!

*(Interruptions)*

Hon. Collendavelloo, we have already spent 15 minutes on this question. So, I would request you, if it is a question of national importance, which the hon. Leader of the Opposition raised some time back - that is why I have given already 15 minutes on this question because the hon. Leader of the Opposition, himself, had raised that question - the air should have been cleared. But now that you have made your point, can we ask the author of the question, hon. Jahangeer, to ask the final question.

**Mr Jahangeer:** Thank you, Madam Speaker, Can this august House know how much of this loan is being used to finance the General Manager of that company?

**The Deputy Prime Minister:** No, there is no General Manager of that company. There is a Board that is running the company. CEB has recruited a consultant, Mr Baboo. He is not a General Manager. He is a consultant employed by the CEB and he is doing that work. He was originally doing that work for CEB and then he was put at the disposal of Fiber Net by CEB. I do not know the amount. Let me ask - if I can get a piece of paper from my advisers.

*(Interruptions)*

**Madam Speaker:** Hon. Deputy Prime Minister, if they do not have the reply right now, we will pass on to the next question.

*(Interruptions)*

Hon. Deputy Prime Minister, I will pass on to the next question and if you want, you may come up with a statement on the whole issue. Hon. Jahangeer, next question!

## KNOWLEDGE PARKS - UNIVERSITY CAMPUSES - CONSTRUCTION

(No. B/313) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the construction of the three new university campuses completed in 2016, he will, for the benefit of the House, obtain from Knowledge Parks Ltd./Polytechnics Mauritius Ltd., information as to the –

- (a) name of the contractor thereof, and
- (b) contract value thereof.

**Mrs Dookun-Luchoomun:** Madam Speaker, I am informed that the Knowledge Parks Ltd., as a fully owned Government company, was set up as a Special Purpose Vehicle, to own and manage the three new university campuses at Pamplemousses, Montagne Blanche and Redit.

The State Land Development Company Ltd. acted as the main project implementation agency of the three campuses and Luxconsult (Mtius) Ltd. provided consultancy services for the planning, design and construction of the three campuses.

Madam Speaker, bids for the construction of the main buildings at the three main sites were launched through the Central Procurement Board in October 2013 following which, awards of contracts were made to the following bidders –

- (a) Hyvec Partners for the amount of Rs325 m. (VAT exempt) for the Pamplemousses Campus and Rs304,958,786 (VAT exempt) for the Montagne Blanche Campus, and
- (b) Ramloll Bhooshan Renovation and Building Ltd. for the amount of Rs72,318,843 for the Redit campus.

**Mr Jahangeer:** Can the hon. Minister confirm if there have been delays in the execution of these projects and thus any penalty applied?

**Mrs Dookun-Luchoomun:** Madam Speaker, I am informed that there has been no delay and no cost overrun.

**Dr. Sorefan:** Regarding the campus at Montagne Blanche, could the hon. Minister inform the House whether it has been completed - I think it is, because there is a university



sign posted there. May we know from the hon. Minister what procedures have been followed to award this place to that university?

**Mrs Dookun-Luchoomun:** I am sorry, Madam Speaker, the Montagne Blanche campus has not been allocated to any university. It is going to be used as Polytechnics Mauritius and will be running courses for hospitality and tourism by the Government.

**Mr Mohamed:** I thank the hon. Minister for saying that the project started by the previous Government. At least, she is honest enough to admit that; there has been no delay and no cost overrun. How does she reconcile the fact that this has been really put up so well by the previous Government, ended up with three beautiful buildings and with the analysis of the National Director of Audit report that criticises this actual Government for leaving resources of that nature to lay idle and not to make good use for such important resource to the nation?

**Mrs Dookun-Luchoomun:** Madam Speaker, let me inform the House that the former Government had decided to put up these campuses to be leased to universities coming from abroad and to recollect money spent on these buildings, whereas this Government is coming up with a new policy of setting up polytechnics to ensure that we get the manpower required for the Vision 2030 for the country.

*(Interruptions)*

**Mr Baloomoody:** One of the concerns expressed by the Director of Audit is that now Government intends to have – what is called – the Knowledge Park Limited. This Knowledge Park Limited will be a private company where Parliament will have an absence of control. There will be no parliamentary control of that private company. This is the concern of the Audit. Can I ask the hon. Minister whether she will give an undertaking that questions will be answered in this Parliament regarding the management of the building under the Knowledge Park Limited?

**Mrs Dookun-Luchoomun:** Madam Speaker, Knowledge Park Limited has been put up to ensure the rapid setting up of the polytechnics and the management of these institutions.

As far as transparency is concerned, this Government will make sure that everything is done in a proper, transparent and clean manner.

*(Interruptions)*

**Madam Speaker:** The Table has been advised that PQs B/323, B/316, B/320 have been withdrawn. Time is over!

### **MOTION**

#### **SUSPENSION OF S.O. 10(2)**

**The Prime Minister:** Madam Speaker, I move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

**The Deputy Prime Minister rose and seconded.**

*Question put and agreed to.*

### **STATEMENT BY MINISTER**

#### **GRA - CHAIRPERSON - SMS PARIAZ LTD.**

**The Prime Minister:** Madam Speaker, at the sitting of last Tuesday, in the course of a supplementary question to PQ No. B/230, hon. Rajesh Bhagwan raised the question as to whether the Chairperson of the Gambling Regulatory Authority had placed himself in a situation of conflict of interest in that, I quote, he –

“had been appearing as Counsel for SMS Pariaz Ltd in a case before the Supreme Court.”

In that regard, hon. Bhagwan tabled copy of the judgement in the matter of SMS Pariaz Ltd v Commissioner of Police, a case in Chambers bearing number 2014 SCJ 40.

Madam Speaker, I have asked for information regarding this matter and I have been informed that, in 2013, the services of Me Raouf Gulbul, in his capacity as lawyer, were retained as, Counsel, by SMS Pariaz Ltd, in the case of SMS Pariaz Ltd v Commissioner of Police, which was heard in the Supreme Court. The other learned Counsel representing SMS Pariaz Ltd was Me Yousouf Mohamed.

The matter was heard in Chambers and the judgement was delivered on 13 February 2014.

I am advised that Me Raouf Gulbul was paid his counsel fees, in 2013, for this case.

Me Raouf Gulbul was never paid a monthly retainer fee by SMS Pariaz Ltd. Thereafter, i.e., after February 2014, the services of Me Raouf Gulbul have not been retained, in any other case, by SMS Pariaz Ltd.

Me Raouf Gulbul was appointed Chairperson of the Gambling Regulatory Authority on 13 March 2015.

Legal advice has been sought from the State Law Office as to whether there was any conflict of interest regarding Me Raouf Gulbul's responsibility, as Chairperson of the Authority, with regard to his participation in discussions and/or decisions on matters relating to SMS Pariaz Ltd.

The State Law Office has advised that the nature of the relationship of the Chairperson with SMS Pariaz Ltd was on an *ad hoc* basis in that he appeared as Counsel for the company on a specific occasion and the relationship between him and the company was not continuous. To the extent that there was no ongoing relationship between the Chairperson and the company and provided that the matters relating to the company that needed to be determined by the Board did not involve issues dealt with by the Chairperson while acting in his capacity as Counsel for the company, there was no legal impediment and conflict of interest in the Chairperson taking part in Board decisions relating to the company generally.

Thank you, Madam Speaker.

**Madam Speaker:** I suspend the sitting for half an hour.

*At 4.25 p.m., the sitting was suspended.*

*On resuming at 5.09 p.m. with the Deputy Speaker in the Chair.*

## **PUBLIC BILLS**

### *First Reading*

*On motion made and seconded, the following Bills were read a first time -*

- (i) *The Supplementary Appropriation (2015-2016) (No. 2) Bill (No. IV of 2017)*
- (ii) *The Business Facilitation (Miscellaneous Provisions) Bill (No. V of 2017)*

**The Prime Minister:** Mr Deputy Speaker, Sir, in view of the highly technical nature and the complexity of the provisions of the Bill, I am, with your permission, circulating for the benefit of hon. Members, a detailed Explanatory Note to the Bill.

Thank you.

*Second Reading***LAND DRAINAGE AUTHORITY BILL****(No. I of 2017)**

*Order read for resuming adjourned debate on the Land Drainage Authority Bill (No. I of 2017).*

*Question again proposed.*

**The Deputy Speaker:** Hon. Rutnah!

(5.14 p.m.)

**Mr S. Rutnah (Third Member for Piton & Rivière du Rempart):** Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, the Land Drainage Authority was one of the promises of this Government, that when we are going to be in power - we said it in 2014 and it was part of the Government Speech then - we are going to set up a Land Drainage Authority in order to deal with the aftermath of natural calamities. But, we do not come wise after the event, we build things, we come with organisation in order to deal with problems that we anticipate might occur as a consequence of natural calamities.

Many Members of the Opposition, during their intervention, said that this Bill, itself, is about natural calamities, cyclones, flooding, heavy rainfall, flash floods, but no, it is not about that. It is about how to deal with the aftermath of natural calamities.

A lot of my friends here have spoken about the Gibb Report of 2003, the Domah Report of 2008. Quite rightly, those reports were commissioned so that in 2003, the then Government would do something about flash floods, about other sorts of natural calamities that we, as a small island, could be subjected to. Between 2003 and 2005, the then Government technically did nothing. Then, we had the Domah Report in 2008, the Government then, between 2005 to 2014, did nothing. What did we face? As a result of negligent business management of the country, we had in 2008 the death in Mon Goût; we had in 2013, 30 March, Caudan. We all talk about Caudan, Mon Goût, we go there. People passed away. But, I, myself, witnessed it on 13 February in my Constituency, in Rivière du Rempart, in l'Amaury, in Gokoolah, in l'Amitié and all these places were flooded to such an extent that even people in my Constituency were saying to me that they have never ever experienced such level of water in l'Amitié, Gokoolah, Rivière du Rempart and elsewhere.

And then, the then Prime Minister, now Minister Mentor, took immediate action and asked the NDU to start work in the areas which were prone to flooding.

Today, my constituents have asked me to express my gratitude to the Minister Mentor and to the current Prime Minister. The Minister Mentor then started the work and the current Prime Minister is continuing the work in my Constituency. For that, I have been asked expressly to express my gratitude here, in the House.

Mr Deputy Speaker, Sir, when we hear the main Opposition parties, they tell us that, in principle, they agree with the Land Drainage Authority. When we hear hon. Henry, hon. Armance, hon. Abbas Mamode; in principle they all said: “Yes, it is a good idea”, but, they use conditions. They say ‘but’ and then they criticise, but they don’t propose any solution, they criticise. Last week, my very able and learned friend, hon. Sinatambou, was saying that they were suffering from a syndrome called “*narien pas bon*”. Today, I must say that the main Opposition parties are suffering in relation to the Land Drainage Authority the syndrome called ‘but’. When I am referring to ‘but’, I am not referring to the four-letter word ending in two double ‘tt’ as a result of the incident we had this morning. I am referring to the three-letter word with only one ‘t’ at the end. So, this is the word I am referring to. It is a ‘but’ syndrome that they are suffering.

*(Interruptions)*

No, no, not Pepsi ‘but’, no, not at all! So, this is the position we are in.

Let us dive into the subject now – not dive into the drains, but dive into the subject, starting with hon. Armance who kicked off the debate from the Opposition side. He smiles, he knows what I am coming to him because he knows what he has spoken about on the last occasion. This is from Hansard, he says –

“Mr Deputy Speaker, a few years ago, in year 2008, I had a very bad experience at Mon Goût (...)”

In 2008, his Leader was in Government and was Minister of Finance. I am not going to read everything because he referred to the then Mon Goût incident. Then he went on to the 31 March 2013. Again, as at 31 March 2013, they had Gibb Report; they had Domah Report. They did nothing, absolutely nothing, and they come in this House to criticise. Then he said –

“And yet, Mr Deputy Speaker, today, we are in 2017, and despite the fact that the river has been enlarged, we note that the river is not maintained properly

and the inhabitants of Canal Dayot are still suffering and their life is again in danger during heavy rain.”

If hon. Armance would have tried to carry out some research work, he would have known the amount of work that had been carried out at Canal Dayot to enlarge that river. He knows that his party was in Government and did absolutely nothing.

*(Interruptions)*

I am not going to go into Sable Noir. Now I am going to the part where he said – “I have been a Member of Parliament, Mr Deputy Speaker, Sir, sitting there. I waited for two years. Two years I had been promised that several projects in my Constituency would be taken into consideration to save the life of the people. More than two years is more than 800 days. 800 days is a big exposure, Mr Deputy Speaker, Sir.”

Now, it is a very good point, a valid point. I think hon. Abbas Mamode is a bit in a rush, but he knows that I like to take it very gently. Let me start by him. 2014 to 2015, who was the Private Parliamentary Secretary there?

*(Interruptions)*

Hon. Abbas Mamode. Now I see...

*(Interruptions)*

**The Deputy Speaker:** Order, now!

**Mr Rutnah:** Hon. Mrs Aurore Perraud is not here. I think they are watching from the office of the Leader of the Opposition what is happening. They are watching from their TV. So, let me say that Constituency No. 1...

*(Interruptions)*

That’s right! From 2011 to 2014, who was in the kitchen of PMSD and *Parti travailliste*? Who was cooking in the kitchen of *Parti travailliste*? It was hon. Aurore Perraud, PPS. So, it’s no point coming here on every single thing that we do in this House. It is good, but I am suffering from bad syndrome and criticism and when they have to hear criticism, they don’t come here to hear the criticism, but they watch it from the screen because here, it hurts badly.

Hon. Armance, ...

*(Interruptions)*

This is interesting! I love this! It's lovely jubbly! He says:

“Let me go back to what was said by the former Finance Minister, hon. Duval, in his Budget in 2014. He came up with some solutions. On the day, we were already discussing about the Land Drainage Agency. The Agency was supposed to take care of the construction of drains. I repeat - the construction of drains and their maintenance. There have been lots of measures and he enumerated a number of measures, etc. And he talked about Rs35 m. embarked on fully fledged staff, National Risk Reduction Management Centre and IT based emergency alert, land drainage agency setup for the construction, cleaning and maintenance of drainage system across the country, an allocation of Rs1.3 billion to the MPI. He sought the help of the Government of Japan and we had the Doppler radar ...

*(Interruptions)*

No, I think my hon. friends from the MMM are a bit jealous about the PMSD.

*(Interruptions)*

Because they are not getting the full exposure that they use to get, because you have hijacked their place. And this reminds me of Othello, Shakespeare -

“Beware of jealousy, my lord! It's a green-eyed monster that makes fun of the victims it devours.”

*(Interruptions)*

They can replay it live, later on.

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Rutnah:** This is what the PMSD is all about. If they do something good when they are in Government, then it is *résultat lor résultat*, but when it is *échec lor échec*, it's not them. But we, as a Government, we have promised the people of Mauritius that we are going to take this country to the next level of development and development has already started.

Now, let me deal a little bit on hon. Abbas Mamode's speech.

*(Interruptions)*

No, he is my sister's son!

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Rutnah:** I am serious. Sometimes I crack jokes, but it's true, his mother comes from Rivière du Rempart.

*(Interruptions)*

Hon. Bhagwan is not here, but I am going to deal with the points raised by hon. Bhagwan and hon. Abbas Mamode together in relation to the Local Authorities. I think hon. Bhagwan made a very good speech, but I am going to deal with his speech separately. But while I am dealing with the Local Authority's point, I am going to deal with it together.

Now, hon. Abbas Mamode says: "Hence, the authority should also involve representatives from the Local Authorities. Not Local Government, but Local Authorities. But if we look at clause 4 of the Bill, Mr Deputy Speaker, Sir, where it deals with the object of the authority, it says that -

"Objects of Authority

The authority shall be responsible for –

- (a) the development and implementation of the land drainage master plan;
- (b) coordinating the construction of drainage infrastructure by the local authorities, the NDU, the RDA and any other relevant stakeholder, and
- (c) ensuring that there is a routine and periodic upgrading and maintenance of the drainage infrastructure."

So, it is quite wrong to come and say that there is no involvement of the local authorities. And then, I will later on come to clause 5, when I will be dealing with a succinct point in relation to clause 5.

So, Mr Deputy Speaker, Sir, today as a small island nation, we are faced with a grave situation. We are faced with contemporary environmental challenges, and to deal with them, we have to be able to devise what we call such plans and anticipate that we are not going to only mitigate the loss of lives as a result of the aftermath of a flash flood, but we are also going to mitigate the economic factors that surround operations relating to a flash flood when it occurs.



I am going to quote from the Indian Ocean Commission ‘Disaster Risk Profile Mauritius (2016)’ Report, which says-

“An average annual direct loss of up to USD 22 million is anticipated as a result of flooding. In the World Risk Report released in 2016, Mauritius is ranked as the 13<sup>th</sup> country with the highest disaster risk and ranked 7<sup>th</sup> on the list of countries most exposed to natural hazards.”

Now, when we receive such signal as a responsible Government, we can’t sit down like the Labour Party did together with the PMSD. We can’t sit down and wait for disaster to knock our door. That’s why we come with this Bill, not only this Bill, but like I said earlier on, since January 2015 to June 2016, some Rs520 m. have been disbursed in the constructions and upgrading of drains across the Island. An additional amount of Rs1.2 billion has been allocated to meet expenditure on drainage structure for the financial year ending 30 June 2017. So, these are measures that are been taken in order to prevent death, in order to prevent disaster in our country.

Now, Mr Deputy Speaker, Sir, hon. Henry also, with the ‘but’ syndrome, but he put it in French. He says -

« Sur le *Land Drainage Authority Bill* qui n’est pas une mauvaise idée étant donné des catastrophes qu’on a eues dans notre pays, mais – *I am not going to say the ‘mais’ syndrome, if you translate it, it’s ‘but’* - tel qu’il est présenté, c’est une catastrophe. »

Is it really a catastrophe or is he a real catastrophe being in the previous Government and being a PPS and did nothing! And when we come with a plan to come and actually do something, he calls it *catastrophe*! This is real PMSD talent. This is really PMSD talent show!

So, Mr Deputy Speaker, Sir, if we look at Clause 4 of the Bill which I read earlier and I am not proposing to read it again, what do we note here? We note a different culture. We note changes. We note a different way of governing, *gouverner autrement*. We are governing *autrement* and if we look at Clause 4, we are moving from a culture of post-disaster because I said when they were in Government they were becoming wise after the event, but we are moving from a culture of post-disaster response to adopt a holistic approach for flood disaster management. So, as I said, we cannot allow death to take place, then to manage, then create a catastrophe like they did when they were in Government and then criticise.

So, when we do good things, we get criticised and when they hamper us in doing things, then also we get criticised. *C'est comme en français 'pile ils gagnent et face ils gagnent'*.

*(Interruptions)*

*Non, bé bane la tout le temps gagner !*

*(Interruptions)*

So, they always win.

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Rutnah:** Mr Deputy Speaker, Sir, coming a little bit to what hon. Osman Mahomed was saying - hon. Mrs Roubina Jadoo-Jaunbocus is not here - *mais après le coup que l'honorable Roubina Jadoo-Jaunbocus a infligé à l'honorable Mahomed, je voyais qu'il était en train de battre en retraite*. I am not going to say a lot against him save to say that he took a point in law. He said 'what if someone is negligent, what if there is no provision for those who are designing, no such word as design, no such word as supervision, no such word as dredging, what if someone is negligent who is going to be sued'. Let me firstly take him - he is not here, but I am sure he is watching from home – to clause 5, which is –

Functions of Authority –

“The Authority shall have such functions as are necessary to further its objects most effectively and shall, in particular –

(b) undertake a study based on a hydro-meteorological and hydrographic survey and produce and keep under review a flood risk map and a National Land Drainage Plan;”

And –

“(e) cause any works related to land drainage to be carried out by the local authorities, the NDU, the RDA and any other relevant stakeholder;

(f) cause to be carried out the upgrading and maintenance of the drainage infrastructure by the local authorities, the NDU, the RDA and any other relevant stakeholder;

(g) prepare and implement land drainage schemes.”

So, Mr Deputy Speaker, Sir, the Bill itself is not designed to deal with what we call dredging, design, engineering and all these things because those matters will be dealt with by other authorities and those other authorities would be responsible for any act of negligence that might occur as a result of the negligent act if someone happens to sustain injuries or might lead to death. So, the Land Drainage Authority is going to be like an apex body that is going to police those stakeholders and those authorities with which it will work in order to ensure that the drainage system is constructed in such a way that it fits the purpose for which it has been intended, that is, to save life.

Mr Deputy Speaker, Sir, I would like to deal with one point which has not been touched by any of the hon. Members in this House. We know that for quite a long time now sugar estate owners have backfilled a number of rivulets, drains that have caused immense damage to our ecological system and to our drainage system. When the Labour Party was in power, they did not come up with any law to restrict sugar estate owners to backfill all those rivulets and all those drains and today if we have faced the consequences of floods, one of the contributing factors has been the irresponsible act of those sugar estate owners. I am not going to hesitate to say this because it is the truth, it is the fact and they have to live up to it until they will exist in Mauritius.

Mr Deputy Speaker, Sir, I also would like to deal with Clause 22 of the Bill. In Clause 22, we see that –

“No person shall –

- (a) cause any damage to any drainage infrastructure;
- (b) without the approval of the Authority, change the course of any drainage infrastructure,

constructed by the local authorities, the NDU, the RDA and such other bodies as may be prescribed.”

Then we have the penalty clause. What I suggest here in the ‘Offences’ part of the Bill is perhaps when we are referring to ‘person’ if we could also include ‘artificial and natural person’ that is, companies or authorities who are going to commit offences because now we are only criminalising an individual who is likely to damage or who is likely to interfere with the drainage system. But perhaps if I could suggest that in the ‘Offences’

section if a company as well could be included, but this is a matter over which the Prime Minister and the Attorney General can ponder upon to see whether it can be included or not.

Mr Deputy Speaker, Sir, before I finish, as I said earlier on, hon. Bhagwan - now I see him here, perhaps I could say this in his presence - who paid a rather better *plaidoirie*, if I may put it this way, said the following in one of the paragraphs –

“As from the year 2000, the need for a more holistic approach was felt, and then Government requested a study of flood prone areas throughout the island and committed itself to implement the recommendation in a phased manner.”

Hon. Ganoo, who was then Minister of Public Utilities, was responsible for the implementation of the project. Then, Gibbs and Partners were commissioned to prepare a report and more than 200 flood prone areas were detected, and works started. Unfortunately - and these are the operative parts -, after 2005, there was a priority shift, and the implementation on the report was delayed. So, the priority shift cost us lives in Mon Goût, cost us lives in Caudan and was going to cost more lives if we did not bring a Bill of this nature. I have to again point out to those who are suffering from the butt syndrome that, after 2005, they were in Government and they did nothing. Nothing! But they claimed *résultas lor résultas! Gouverner autrement!*

*(Interruptions)*

**The Deputy Speaker:** Order!

*(Interruptions)*

Hon. Armance! Hon. Duval! Allow the hon. Member to continue with his speech.

**Mr Rutnah:** This is real PMSD talent show on display. Real PMSD talent show! What can we say? People are watching. They think they hold the dark blue big cock in their hand - I mean to say the cock Creole - and they can do whatever they want in front of the screen at home there. I think this kind of attitude should be stopped because we, as Members of Parliament, have to set examples.

*(Interruptions)*

Now, to conclude, Mr Deputy Speaker Sir...

**The Deputy Speaker:** Hon. Lepoigneur! Have you anything to address to the Chair, stand up, please! Hon. Lepoigneur, if you want to address the Chair, please stand up!

*(Interruptions)*

You just said you have something to address to the Chair!

*(Interruptions)*

Hon. Lepoigneur, I am warning you! Please, do not disrupt the activities, the business of this House! Hon. Rutnah, please continue!

**Mr Rutnah:** Thank you, Mr Deputy Speaker, Sir! So, to conclude, Mr Deputy Speaker Sir, the Land Drainage Authority is a mile piece of legislation. It is coming and it is going to come very fast! I can hear the Land Drainage Authority roaring from behind and saying, “I am coming! I am going to come and save lives in this country! I am going to come and ensure that people are not going to suffer from many flash floods! I am coming! I am not going to allow people in Mauritius to suffer after a cyclone, and there will be a scientifically organised drainage system in Mauritius in order to ensure that our children, tomorrow, are not going to face the same fate that faced a child in Mon Goût in 2008 and several people in Caudan in 2013.”

Thank you, Mr Deputy Speaker, Sir!

**The Deputy Speaker:** Hon. François!

**Mr J. F. François (First Member for Rodrigues):** Thank you, Mr Deputy Speaker, Sir, to allow me to participate in this very interesting and important Land Drainage Bill.

Mr Deputy Speaker, Sir, our world finds itself in an uncertain situation as far as climatic change is concerned, which is continuously disrupting national economies, costing people lives and affecting communities.

The hon. Prime Minister rightly pointed out that people are experiencing the significant impacts of climate change, including change in weather patterns and more extreme weather events. The recent disaster of mud and landslide in Columbia is an example.

Mr Deputy Speaker, Sir, in that context, the Republic of Mauritius is bound to take urgent action to combat climate change and its impact, as specified by Goal 13 of the 17 Sustainable Development Goals (SDGs).

Allow me to cite only two targets of this Goal, and I quote -

“(i) To strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries.

- (ii) To integrate climate change measures into national policies, strategies and planning.”

I have to point out here, Mr Deputy Speaker, Sir, that the introduction of a Climate Change Bill in our legislation is decisive. We have to anticipate and plan for the impacts of climate change and natural calamities.

This Land Drainage Authority Bill unquestionably provides the right mechanism for our Republic, including Rodrigues, to develop and implement a Land Drainage Master Plan, which is agreed by all previous orators.

It is clear that there is need for a new approach to consider the economic evaluation, institutional and management aspects of drainage projects in our Republic.

This is because we are actually experiencing a fragmented, I say that again, a fragmented management of our drainage system and drainage infrastructure, with all the dangers and challenges we are facing, mainly with regard to flooding.

Mr Deputy Speaker, Sir, from what we can see all around the island, it is a fact that our data are outdated to anticipate future flooding problems. This is simply because flood hazard information or stream flow data, for example, at the level of various institutions, dated back a few years and may no longer be accurate today, as our country remains vulnerable.

One may also ask whether we have data on the exact extent of permeable soil being replaced by impermeable surfaces such as roads, roofs, parking slots, footpaths and so on, that store little water, reduce the infiltration of water into the ground, and certainly accelerate runoff to drains and streams.

In order to improve communication between data sources, data processing and the use of relevant spatial data in GIS, what we call Geographical Information System, a new spatial information infrastructure needs to be developed. We will need to have more access to smarter technology such as new radar and satellites images for monitoring and to provide an early warning system and evacuation plan.

I believe that institutions like the RDA, the Planning Division of the Ministry of Housing, the Meteorological Station, shall provide us with such information to better understand the real-time situation in our country and the dangers that foresee us.

Further, I will add that countries like the Netherlands that have more than 100 years of experience in flood control is a good benchmark, and we can seek expertise from their experience to cope with flood risks in our country.

Mr Deputy Speaker, Sir, many reports stated that in countries where vulnerability assessment has been carried out for adaptation for design life of storm water infrastructure, there is significant variability in the Average Recurrence Interval (ARI) - this is technical, but very important - that is, the 3 months, 10 years, 25 years, 50 years, 75 years and 100 years storms period.

Nowadays, the Average Recurrence Interval of an event gives no indication of when a flood of that size will occur next. The Port Louis flash flood that hit us in 2013 is a typical example.

Thus, there is need for a full-fledged Vulnerability Assessment in our Republic, proactive adaptation strategies, progressive planning to face the uncertainty of future climate change effects for us not to be surprised by any heavy rainfalls, flash floods or extreme weather.

Mr Deputy Speaker, Sir, continuous Urbanization and Land Development in our country with unfortunately poor planning - that's a fact - may expose our communities to increasing flood hazards in many flood-prone areas or localities.

It must be clear in our mind that even after the completion of all drainage improvement works, there would be a necessity for some assessments on drainage impacts resulting from changes in catchment characteristics, such as new residential developments, new crossings on existing channels, filling on local drainage, small scale changes in land use and interference with existing streams, channels and so on, as recently mentioned by hon. Rutnah as well in the sugar sector.

Mr Deputy Speaker, Sir, from good planning practice in densely residential areas, flooding cannot be tolerated as risk to life, intangible psychological impacts and economic losses are high. We have experienced it here. Another area of great concerns to drainage and flooding is agricultural development. We all know how irrigation and drainage are essential for good crop and soil management; for example, removal of salinity from agricultural soil. From statistics, I gathered there are about 7,369 hectares of vegetable/fruits agricultural land and 54,303 hectares of sugar cane agricultural land, either under cultivation or irrigation in

Mauritius. However, the extent of agricultural areas suffering from waterlogging and salinization on an overall scale are not well documented.

From a technical point of view, what is required today, is, first of all, a Simulation or Mathematical Modelling of Flooding on all our flood prone agricultural lands, be it on State or private lands, to come up with a New Agricultural Drainage Model and Network, and also to consider the re-use of drainage water for irrigation.

Mr Deputy Speaker, Sir, I just realise that with regard to section 7 of the Bill, the Land Drainage Board, it is necessary to consider adding a representative of the Ministry responsible for Agriculture. Another important stakeholder as well is the Ministry responsible for Fisheries, Sea, and Ocean Economy. This is simply because many of our lands are agricultural and coastal lands, and that all run-off water, storm water and waterways outflow end up its journeys into our sea. Further, it is important to point out here that, today, we are engaged with reactive planning measures, such as enforcing constructing masonry walls and masonry drains, moving homes, or offering compensation.

What we need to achieve is an anticipatory approach through sound land use planning. Again, as I mentioned earlier, planning for climate change incorporates a degree of uncertainty that should be recognised and accommodated by planners, us, the policy makers or decision makers, designers, engineers and that's what this Bill will anticipate and I am glad to see that. This is where the proposed authority is important as per function (5)(b) of the Bill, that is -

"(b) to undertake a study based on a hydro-meteorological and hydrographic survey and produce and keep under review a flood risk map and an Integrated National Land Drainage Plan";

This was referred as well by hon. Rutnah. Well done!

Mr Deputy Speaker, Sir, interestingly, a month ago, I was at La Marie Waste Water Treatment Plant for the celebration of the world Water Day, where both the Deputy Prime Minister, hon Collendavelloo and the Chairman of CWA raised concerns about the obstructions, pollutions and wastes in rivers, canals and drains, which are altering the hydrology and adversely impacting on the quality of water. *Ils ont évoqué les problèmes des vieux matelas et télévisions dans les rivières et les cours d'eau.*

They rightly claimed the responsibility of each and every citizen - especially students - to play their role in that regard. I am glad to see that for the Earth Day 2017, celebrated



every 22 April, the International Earth Day Network has launched a Campaign for Global Environmental and Climate Literacy by Earth Day 2020 to ensure that every student around the world graduates high school as an environmental and climate literate citizen, ready to take action and be a voice for change.

M. le président, je dois ici, souligner aussi, l'appel du Pape François de son compte dans *Twitter* pour que nous soyons des gardiens et non des prédateurs du monde. Et il dit –

« Semons la beauté et non la pollution et non la destruction. »

Et depuis ceci, je souligne l'appel du Pape François toujours dans son Encyclique *Laudato Si* sur la Sauvegarde de la Maison Commune (c.à.d. La Planète Terre) et, je cite –

« Il faut créer une éducation à la responsabilité environnementale ayant pour vocation de créer une Citoyenneté Ecologique par des petites actions quotidiennes. »

Je salue aussi, ici, l'initiative pour l'actuelle campagne de '*Clean Up Mauritius*', *be it our drains along the streets, in the villages* pour rendre Maurice plus propre. A Rodrigues, la responsabilité citoyenne face à la protection de notre environnement est devenue une culture avec le slogan, « *Si To Contan Rodrig Protez Li Et Garde Li Propre.* »

Mr Deputy Speaker, Sir, it is crucial to preserve and conserve sensitive habitats, open space amenities, by avoiding construction along or across natural drains, - natural drains mainly - fencing of rivers or creeks, obstruction by unwarranted developments should be avoided and we need to toughen our laws in that direction.

This is just what the Powers of the Land Drainage Authority is all about as per section 6 of the Bill, which stipulates that –

"The Authority shall have such powers as may be necessary to discharge its functions most effectively and shall –

- (a) with a view to preventing unauthorised activities and developments on drains, canals and other watercourses, or the illegal dumping and discharge of effluents in drains, canals and other watercourses, issue guidelines to relevant stakeholders;"

Here, I would suggest that the Authority also pays attention to the publication of not simply guidelines together with planning instrument such as outline scheme, but to prepare a full manual for land development, including residential and industrial development and to carry

out a Drainage Impact Assessment – what we call DIA- for the whole Republic of Mauritius, including Rodrigues, Agalega and St Brandon.

Mr Deputy Speaker, Sir, a lot of remedial or mitigation works will have to be carried out within any storm water drainage system, implying massive investment.

The hon. Prime Minister and Minister of Finance rightly made reference to investments by NDU to the tune of Rs1.2 billion for drain projects.

However, I believe that with the setting-up of this new Land Drainage Authority, investment will also increase exponentially. Surely, structural flood control is significantly more expensive than non-structural flood management. And I have to add also that the Ministry of Environment also will have to fight to obtain considerable fund from the COP 21 Green Climate Fund, ratified by Mauritius for the Paris Agreement following the good job done by the Mauritian team at that time.

Mr Deputy Speaker, Sir, before concluding, allow me to put on record that in the case of Rodrigues, upon my nomination as a PPS by the former Rt. hon. Prime Minister, and Minister for Rodrigues, Sir Anerood Jugnauth, to whom I am thankful, Rodrigues has embarked, for the first time, in various Land Drainage projects implementation by NDU in flood prone areas, namely, I will cite a few, Port Mathurin, Baie aux Huitres and future ones at Rivière Cocos, Camp du Roi, Port Sud-Est, Grand-Baie, Anse Ali, amongst others.

I am happy to observe that many families affected by nuisance floodings in areas such as Allée Tamarin, Petit Gabriel, Lataniers, Pajerome “*pe gagne ene gros ouf de soulagement*” with present flooding mitigation measures and drain projects.

Today, the demand to remedy nuisance flooding keeps rising from the inhabitants with regard to construction, cleaning and dredging of drains and river mouths to protect them and their lands mainly in coastal regions from storm water during heavy rainfall. Mr Deputy Speaker, Sir, further, there is need for a new updated land drainage plan and maps for the whole republic, including Rodrigues where the Land Drainage Authority, together with NDU, will have to work in close collaboration with the Rodrigues Regional Assembly in that regard.

Another big concern with regard to flooding in Rodrigues is the silting of river mouths in coastal regions like Baie aux Huitres, Rivière Cocos, Fond la Digue, Grand Baie and agricultural land drainage in valleys such as Baie Malgache, Rivière Banane, Port Sud-

Est. Rodrigues needs to avoid coastal tidal flooding storm surge in coastal areas and mitigating measures need to be considered in that direction as well.

I remember the European Development Fund in early 2000 - I was working with them - started the rehabilitation of certain agricultural valleys. Unfortunately, that's no more the case today. And I guess it will be the responsibility of the Government of Mauritius to support the Rodrigues Regional Assembly in that direction and I hope also that the Rodrigues Disaster Risk Reduction and Management Centre and Council be fully operational to meet the objectives set through this Bill in identifying flood risk areas together with the Regional Assembly and the NDU and also obviously the Prime Minister's Office and the Ministry for Rodrigues under the leadership of the hon. Minister Mentor.

To conclude, Mr Deputy Speaker, Sir, drainage is a crucial measure for achieving sustainable development. This Bill will certainly allow Government to embark in decision-making process for new design storm approach and risk-based approach infrastructure. This will be a long term aim to minimise all currently known intolerable flooding risks to public health and safety, property and infrastructure and increase community understanding and the preparedness plans for floods in the future.

Mr Deputy Speaker, Sir, having said so, our main aim must be a flood resilient Republic. The future is to think of flood mitigation, flood risk management and flood resilience and that's what I hope this Bill will bring about.

Mr Deputy Speaker, Sir, on this note, I thank you for your kind attention.

**The Deputy Speaker:** Hon. Jhugroo!

(6.10 p.m.)

**The Minister of Local Government and Outer Islands (Mr P. Jhugroo):** Thank you, Mr Deputy Speaker, Sir. I would like to associate myself with those who, before me, have been supportive of the Land Drainage Bill presented by the hon. Prime Minister.

Mr Deputy Speaker, Sir, the Land Drainage Authority is a clear indication of the seriousness of this Government to better tackle the problem of flooding and accumulations of surface runoff which has become recurrent due to the global climate change phenomenon.

The setting up of the Land Drainage Authority will no doubt be very useful for the country to prepare itself to better manage its drainage infrastructure and be ready to face adverse climatic effects. The world at large as we see every day in the media, is not only

exposed to, but is also actually facing the dreadful effects of climate change, amongst others, with severe cyclones, landslides, torrential rainfalls giving rise to flash floods and having devastating impact on life and property. Mauritius is not spared.

Moreover, the irresponsible and non-civic, not to say criminal actions of people, are further worsening the situation such as –

- (i) dumping of waste into watercourses, including drains, thus obstructing the free flow of water;
- (ii) diversion of long existing drains, more particularly, storms water drains while carrying out land development, thus creating havoc upstream;
- (iii) illegal construction on existing drains and natural watercourses and on river reserves;
- (iv) discharging of surface runoff onto the road instead of having proper drain water pipes and soak away within their premises.

It is worth pointing out here, Mr Deputy Speaker, Sir, that on quite some occasions, consultancy service has been commissioned and reports produced identifying risk areas and recommending remedial measures but, unfortunately, not all recommendations have been implemented. The findings may be reviewed and updated as well as see how best they fit in the bigger picture, that is, in the master plan to be developed.

Rivers, watercourses, including canals and drains, flow from high grounds to the sea, crossing the jurisdictions of several local authorities, but the standards of the drains often vary from one authority to another. This is where, the master plan will help to devise the appropriate and given standard applicable to all authorities.

On the other hand, the existing drains, particularly along the main roads are no more fully serving their useful purpose in view of their limited capacity. Since they were not originally designed to carry out such volumes of water and further compounded with the connection of several drains to the main drain. But also due to the fact that the drains are not cleaned and maintained regularly, local authorities have first-hand information through representations and complaints from the public about the urgent need for drains to alleviate flooding problems.

Consideration should also be given to have cut-off drains at source to divert surface runoff to nearby rivers instead of allowing voluminous water to flow downstream and flood several regions, thus being a serious threat to life and property.

Again, Mr Deputy Speaker, Sir, not all drains have an outlet, specially absorption drains constructed by local authorities which often get saturated more particularly those found in regions where the water table is high. These drains are constructed more as a palliative measure, where still different authorities have different specifications and standards for drain works. In fact, there is a need of revamping all measures, which I consider to be more palliative ones taken so far to address the problem of flooding and water accumulation. We should now adapt to the exigencies of climate change and thus ensuring new situations and circumstances. We must ensure periodic maintenance of existing drains.

Construction of drains is necessary, but we should not lose sight of the fact that cleaning and maintenance of drains is equally important for the infrastructure to serve the useful purpose. Unfortunately, we must concede here that cleaning and maintenance of drains lag behind. It is, therefore, high time to have a Land Drainage Authority as an apex body to review the whole strategy with regard to construction, maintenance and upgrading of drains with the concurrence and concerted efforts of all competent authorities including Local Authorities.

Mr Deputy Speaker, Sir, I would like to thank the hon. Prime Minister and Minister of Finance and Economic Development for having made available in the budget of my Ministry for the financial year 2016/2017, a sum of Rs250 m. for the construction of drains throughout the country.

Constructions of drains and bridges in nine flood prone areas namely -Solferino, Cité Mangalkhan, St Julien Village, Union Park, Quatre Bornes, Ollier Avenue, Montagne Blanche, Dagotièrre and Dubreuil are on-going and will be completed in the months to come. Additionally, a budget of Rs20 m. has also been provided to my Ministry, for the financial year, for the cleaning, rehabilitation and upgrading of drains, bridges and rivers by the Local Authorities.

Mr Deputy Speaker, Sir, insofar as the Land Drainage Authority Bill, itself, is concerned, it is worth noting that the object is very explicit inasmuch as we are going to lay the foundation stone for better management of the drainage infrastructure all over the country. I consider what it is going to be a very useful legal instrument as the Authority, which will be set up, will have, among others, the responsibility for coordinating the construction of drainage, infrastructure by the local authorities, the NDU, the RDA as well as

ensuring that there is a routine and periodic upgrading and maintenance of the drainage infrastructure.

The word here, Mr Deputy Speaker, Sir, is 'coordination'. We are all aware that each of these organisations, more particularly the Local Authorities and the RDA, operate within the parameters of the axe which governed them. The Municipal and District Councils are, in virtue of section 50 of the Local Government Act, responsible for, *inter alia*, the construction, care, maintenance, improvement, cleaning of drains and bridges of all roads other than motorways and main roads. The RDA is, on its part, in virtue of section 5 of the RDA Act, responsible for, *inter alia*, planning and supervising the construction and reconstruction of bridges, tunnels and associated works on motorways and main roads.

Mr Deputy Speaker, Sir, it was high time, therefore, that an Authority be set up to ensure that there is proper coordination in the drainage works to be carried out. This will not only ensure a seamless implementation of projects, but it will also ensure what we have proper planning as well. There will be a proper coordination for the construction of drainage infrastructure by Local Authorities, NDU and RDA. This will help to set out norms and standards to be adopted while executing drain works and ensuring that even short-term actions or measures taken by competent authorities fit in the Master Plan.

Mr Deputy Speaker, Sir, it is equally interesting to note that section 5 of the Bill has clearly highlighted the importance of the Land Drainage Authority which will be set up. This section 5 of the Bill, in fact, establishes the roadmap which the authority will have to embark upon as soon as it will be set up -

- (i) the authority has to carry out an inventory and mapping of all existing drainage infrastructure both naturally and manmade;
- (ii) it will have to arrange to produce flood risk maps and a national drainage plan.
- (iii) it will have to identify the organisations concerned, the flood risk areas, and
- (iv) it will have to prepare and implement land drainage schemes.

We, on this side of the House, are confident that, once these tasks would have been completed, we shall have a comprehensive set of vital information which will assist all the stakeholders concerned to better equip themselves and make proper planning for an environment friendly development.

Mr Deputy Speaker, Sir, section 6 of the Bill is also worth noting inasmuch as the Land Drainage Authority shall have such powers that, for instance, with a view to preventing unauthorised developments on drains, and other watercourses or the illegal dumping. It shall issue guidelines to relevant stakeholders. As the House is aware, the hon. Prime Minister has launched in February last the 'Clean up Mauritius campaign'. We know that illegal dumping is a major source of pollution and, very often, the main cause for drain obstruction. We need to change the mind-set of the population and invite them to foster a sense of civic responsibility. We, therefore, are highly agreeable to the idea of having a central body to be responsible amongst others for the construction, maintenance and upgrading of drains throughout the country. There is no doubt that the issue of relevant guidelines by the Authority to the stakeholders concerned and, in particular, the Local Authorities will be most welcome.

Mr Deputy Speaker, Sir, I am fully confident that the strategy for the country to set the Land Drainage Authority will reap its fruits as it will create the synergy required among the different stakeholders to ensure that drains are constructed in a planned and coordinated way in the future.

Mr Deputy Speaker, Sir, I shall end by congratulating the Prime Minister and Minister of Finance and Economic Development once again for coming up with this Bill which confirms that this Government had the safety of the population at heart, and is proactive and forward-looking.

Thank you, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Sinatambou!

(6.23 p.m.)

**The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou):** Thank you, Mr Deputy Speaker, Sir. The Land Drainage Authority Bill comes at an opportune time as it sets a consolidated legal framework as well as the required institutional set up for sustainable land drainage management in Mauritius. As mentioned by other hon. Members before me in this House, over the last few years, Mauritius has witnessed a series of catastrophic and extreme climatic events such as torrential rains resulting in flash floods in various parts of the island such as Port Louis, Fond du Sac, Rivière du Rempart, Péreybère, Grand Bois and Bramsthan.

This increase in frequency of extreme weather events is a clear indication of climate change happening in Mauritius.

However, Mr Deputy Speaker, Sir, I could not agree with what I have heard from the other side of the House. One of the unacceptable statements which was made is that only Rs40 m. would apparently have been used by Government in relation to drains. Now, I will not mention the name of the Member, on the other side of the House, who said it because this is not a blame and shame exercise. It has to be an exercise aimed at being constructive, aimed at trying to inform the population about what needs to be done in this country. One of the things which one has to accept is that from the period January 2015 to June 2016, no less than Rs520 m. have been disbursed and those figures have been revealed by no less than the hon. Prime Minister in his introductory speech before this House in relation to the Land Drainage Authority Bill.

I cannot understand how, after the introductory speech of the hon. Prime Minister stating that Rs520 m. have been disbursed for that period regarding land drainage, someone, on the other side of the House, could as if he had been sleeping, then come and affirm that only Rs40 m. had been disbursed. This is what we have to refrain from doing in this Assembly.

Similarly, what struck me is that although we are dealing with drains, one of the Members, on the other side of the House, apparently suffering from some delusion, came up with a proposition that the Land Drainage Authority should have a representative from the Professional Architect Council. I never thought that we would need architects to build drains, but what do I believe we should mention before this House. We must try to remain reasonable. Even if we have to criticise, we should try to be constructive. At another stage, some of the Member of the Opposition mentioned that there should be an engineer, another one mentioned that there should be a representative from the Ministry of Agro-Industry, a third one mentioned from the Ministry of Fisheries. Well, I think all those Members should be reassured that there is under clause 7 (4)(a) of the Bill the right for the Board with the approval of the Minister to co-opt any person who may be of assistance in relation to any matter before the Board. I just hope that we will never have to call an architect for being co-opted.

Mr Deputy Speaker, Sir, something else which I must say bothered me was the fact that the Land Drainage Authority has, in one of the repartees from the other side of the



House, been treated of being a barking dog without teeth and it was being wondered how this barking dog without teeth could actually solve the problem of drainage. Well, one wonders whether the person, who uttered those words, has actually read the Bill because the Bill is about coordination. The objects of the Bill are clearly set out in clause 4, the functions of the Bill are clearly set out in clause 5 and it is quite clear that this Authority is going to coordinate matters. Why? And here we should actually provide a reply to another of the non-constructive repartees made by the other side of the House which was that we should have an authority which aims at building, designing and constructing drains.

Once again, one wonders whether those who made such a repartee had read the Bill because it is quite clear that what we need is a coordinating authority and all the objects and functions, as stated in clauses 4 and 5 of the Bill, clearly show that there is such a need which is going to be fulfilled because, if we live in this country, we should remember that drains are built not only by the Local Authorities and by the National Development Unit, but there are so many institutions which are actually concerned with the building of drains. What we need to do actually is to ensure that we do the job properly which, I think, everyone would agree, in view of the floodings which appear every time that there is any torrential rain and in view of the catastrophes which this country has witnessed over a few years, that the job has not been done properly.

Now, another point which I would like to respond to, Mr Deputy Speaker Sir, was this reference to a Dutch firm called Deltares. The Member, on the other side of the House, complained that nothing had been stated in the introductory speech of the Prime Minister regarding this Dutch firm which had been mentioned by my predecessor as being a firm of repute, specialised in solutions dealing with floodings and inundations. Let me, therefore, inform the House that, as far as technical support is concerned with that particular Dutch firm, a Memorandum of Understanding was signed between Deltares and the Government of Mauritius on 20 January 2016 and that the salient areas and the scope of cooperation, within the purview of this MoU, are to ensure training and capacity building in the field of Disaster Risk Reduction Management, coastal engineering and adaptation to climate change which encompasses, therefore, some form of engagement regarding land drainage.

Mr Deputy Speaker Sir, I do not propose to just go through all those elements of what I would consider to be unconstructive criticisms which, actually, have been raised by the other side of the House. Maybe the last point which I will raise, came from an averment, on the other side of the House, to the effect that, I quote –

“The good keeping of our waterways and drains is mostly done by local authorities which have the responsibility of maintaining our drains many at times through a small Drain Unit and they are only staffed by few workers.”

I believe that this is exactly what the Land Drainage Authority will ensure does not happen. We should not repeat the same mistakes as were done by previous Governments and here, we all know what happened in Port Louis. Tonnes of waste were removed from Ruisseau du Pouce after the tragic event of 30 March 2013. I am sure that no effort will be spared and, here, I must say that there was another allegation that workers from drain units in local authorities are diverted to refuse collection to the detriment of drain maintenance. I believe that this is a very improper proposition to be brought in front of this House because this cannot be done if we want to ensure an optimal delivery in the field of land drainage.

Let me come now, Mr Deputy Speaker, Sir, to climate change issues. The Fifth Assessment Report of the Intergovernmental Panel on Climate Change otherwise known as IPCC (AR5) has reaffirmed that global warming in the climate system is unequivocal and that climate change remains one of the most serious and pressing challenges that mankind is facing. The report has identified that extreme climatic events and risks will continue to increase. This is why I believe that this Land Drainage Authority Bill comes at a most opportune time.

As a matter of fact, Mr Deputy Speaker, Sir, I will refer to the US National Oceanic and Atmospheric Administration, known as NOAA, as well as to NASA, the US National Aeronautics and Space Administration because NOAA. The US National Oceanic and Atmospheric Administration has reported that the atmospheric concentration of carbon dioxide in the world rose to a record high of 404 parts per million in December 2016 thereby indicating that greenhouse gases are rising in terms of emissions in the world. As a consequence, the surface temperature too is shooting up and new records are being attained in a fairly short lapse of time. My information is that NASA has confirmed that the earth's global average surface temperature in 2016 was the warmest ever since modern temperature record keeping started in 1880. That must be quite alarming!

Consequently, the resulting extreme weather means that the impacts of climate change on people and their livelihood will be happening much sooner than anticipated and with greater severity. Therefore, we will keep having floods, inundation, storm surges and we will have extreme climatic events as was observed just a few months ago in the case of Cyclone

Enawo. Just for the record, we should make it known that the cyclone was upgraded from category 2 to category 4 only within hours, reaching gusts up to 290 km/h. Imagine that we keep having drains in an unharmonised and in a non-rationalised way with the National Development Unit doing what it does, with the local authorities doing their bits and there being no rationalisation.

This is why I am of the view, Mr Deputy Speaker, Sir, that we should welcome this Land Drainage Authority Bill because amongst its functions we are going to henceforth have an inventory and the mapping, of all the existing natural and man-made drainage infrastructure. I believe that it is to be welcome that we actually draw up and keep under review a flood risk map and a national land drainage plan. I believe that every Member of this House should have welcomed this Authority because it is going to prepare and implement land drainage schemes.

Mr Deputy Speaker, Sir, I think everyone will agree that climate change is not the making of this Government. This is a global issue which is however having very serious impacts locally. Here, we must also realise that the Land Drainage Authority Bill should not be looked at in isolation. We must realise that the Land Drainage Authority Bill is actually only one of the various decisions which have been taken by this Government. Another one which shows the commitment and determination of this Government to take the issue of climate change very seriously is the fact that we were one of the first countries to sign and ratify the Paris Agreement on 22 April 2016 at the 21<sup>st</sup> Conference of Parties to the United Nations Framework Convention on Climate Change. We are also among the first countries in the world to have a National Disaster Risk Reduction and Management Centre set up under the Act of the same name in 2016.

You will, therefore, appreciate, Mr Deputy Speaker, Sir, that from our standpoint the forthcoming Land Drainage Authority set up under Clause 3 sub Clause (1) of the Bill will be of utmost importance. Indeed, one of its core objects is to prepare a Land Drainage Master Plan pursuant to Clause 4 sub Clause (a) of the Bill in collaboration with concerned stakeholders including my Ministry and one of its core functions under Clause 5 of the Bill will be to coordinate measures pertaining to the abatement of flooding risks throughout the island.

In fact, Mr Deputy Speaker, Sir, this Bill is a major stepping stone towards building the resilience of vulnerable communities against potential flooding risk. This Bill, Mr Deputy

Speaker, Sir, is going to take Mauritius well ahead in terms of climate risk reduction and proactive climate change adaptation. It will be a major step in the implementation of the Mauritius nationally determined contributions, that is, the commitments taken for adaptation under the Paris Agreement. It will help us to fulfil one of our commitments as regards our obligation of strengthening our ability to deal with disasters under what is known as the Sendai Framework.

Mr Deputy Speaker, Sir, I will now perhaps briefly go into one aspect which I have not heard during the course of the debates. It is to highlight that there have been various studies that have been conducted in the past to assess flooding problems in Mauritius namely, the Disaster Risk Reduction Strategic Framework and Action Plan in January 2013, the World Bank Report in 2013, with recommendations for seven major areas of the country, and the Gibbs Study concluded in 2003, which identified 315 flood prone sites and recommended the setting up of a proper institutional setup for flood management.

Why I am citing those three reports, Mr Deputy Speaker, Sir, is because I understand that the main weakness of these studies and of other ones which have been carried out in relation to flooding is that they were not systematically updated and did not provide a clear mechanism for implementation, which is what today the Land Drainage Authority Bill is going to remedy. I would also like to add here, Mr Deputy Speaker, Sir, that, following the enquiry by former Judge Domah in 2008 on the causes of floods and the responsibilities of various authorities, the need to set up a higher authority to coordinate and rationalise land drainage issues with all concerned stakeholders was identified, but remained a dead letter!

To this end, therefore, the Land Drainage Authority will identify the flood prone areas in Mauritius, will improve the synergy among various institutions concerned and adopt a holistic and integrated approach for tackling land drainage pursuant to Clause 5 of the Bill.

Mr Deputy Speaker, Sir, I understand that the carrying out of an inventory of existing natural and man-made drainage infrastructure will be an important function of the Authority under Clause 5 sub Clause (a) of the Bill. Such information should enable this country to conduct more accurate flood prediction using the latest state-of-the-art models for effective flood risk assessments and in the design of appropriate drainage solutions.

It is good to remind Members that among the major difficulties faced by engineers in the design of drains are the proper identification of the catchment for calculating rainfall runoff and the identification of adequate outlets for drains to convey storm water in a feasible

manner, both engineering wise and financially. We cannot continue with the one-size-fits-all approach to the construction of drains, and the development of a master plan for land drainage will, therefore, facilitate holistic watershed management practices.

Mr Deputy Speaker, Sir, allow me to conclude my contribution to this debate by saying that this Land Drainage Authority will –

- (i) constitute a major leap forward in the enhancing of resilience to climate change;
- (ii) provide a sustainable solution to the issue of land drainage in our country;
- (iii) enable the development of tools for better planning, and
- (iv) enable Mauritius to fulfil its international obligations under the Sendai Framework and the United Nations Framework Convention on Climate Change.

On this note, Mr Deputy Speaker, Sir, I will end by stating that I, therefore, fully support the Land Drainage Authority Bill and congratulate the hon. Prime Minister for bringing this Bill before the House.

I thank you, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Bodha!

(6.46 p.m.)

**The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):** Mr Deputy Speaker, Sir, a lot has been said on both sides of the House on this very important Bill because it is a formidable challenge. But the fact that the Bill is here is tantamount to our political will to address this colossal challenge, and the fact that it is the Prime Minister who has moved the Bill shows our commitment.

Mr Deputy Speaker, Sir, we are in front of a formidable challenge, as I said. I would like, to start with, to say a few words about why Mauritius has a number of problems. I will quote from an expert in geotechnical surveys for us to understand that, after all, water, overland or underground, has to go to the sea. So, it has to find ways and means to go to the sea, and when it does not, it floods in a number of areas. Mr Saddul, who has done a geotechnical survey, says –

“As a volcanic island, Mauritius has been constructed in six different phases of volcanic activity over thousands of years and each volcanic phase has emitted different types of lavas, cooling down in different sheets, both horizontally and vertically, with different hydrogeological characteristics. We have mountain slopes ranging from 20 degrees to 8 degrees and they constitute in densely inhabited zones a formidable challenge to construction. Mauritius is located in a cyclone basin with high intensity of rainfall hazards. 100 millimetres in 24 hours.”

And we know how flash floods can become formidable challenges in a few minutes, the more so with climate change. We have a number of mass movements, landslides, soil creeps which have been triggered by underground and surface flow of rain because of bad surface and bad sub-surface drainage, and this is the issue we are addressing. He sums up in a few words. He says –

*« L'île Maurice a un profil géographique très varié avec des montagnes, des plaines, des domaines de cendres volcaniques, des côtes, des amphithéâtres, des régions encerclées par des montagnes, et il faut éviter de construire sur les montagnes et les domaines de cendres volcaniques, surtout sur les pentes de plus de 30 degrés. Les pentes sont instables, et avec l'impact humain, elles peuvent être mortelles. Les glissements de terrain sont fréquents à Chittrakoot, à Quatre Sœurs et La Tourelle de Tamarin. Certaines routes ont été construites sur de la terre perméable et instable, car il y a de l'eau qui ruisselle entre cette couche de terre et la surface imperméable de la montagne, et c'est cela qui a fait glisser la terre et qui a occasionné des fissures. »*

Now, I will take two examples, Mr Deputy Speaker, Sir. The example of Terre Rouge-Verdun. That road was supposed to cost Rs2 billion, and because proper tests were not done - and this is what the Land Drainage Authority will have to do - do you know what happened? The building of the road started and when we reached Ripailles, they started to cut the slopes and there were a series of landslides. They stopped the construction of the road on the left and continued with the construction of the road on the right. When soil tests were done, they realised that the Rs2 billion is not going to be enough. Soil tests were carried out on the left towards Ripailles, and it was only when we came that we stopped the works for three months and did the proper tests, and this batch cost Rs800 m.

The embankment failure which occurred at Terre Rouge-Verdun, again, is costing us Rs350 m. and the Ring Road phase II - I am going to talk about that - is costing us another

Rs350 m. Why? Because we did not master the terrain. We did not understand what was the soil structure and we did not understand how the load of the road is going to be built and on what sort of surface. When we come to the Ring Road, do you know what has happened? Between the layers of lava - That's why I said we have different volcano cycles - you have a soft layer of basalt which becomes like paste when water seeps in. And once you have this paste, the underground water seeps in and it can no longer withhold the weight of the road and you have a slip and the whole structure crumbles down, as it occurred in the Ring Road.

Now, what we had to do has never been done. We had to - for the repair works - build 100 piles to go to the rock structure and then we have to have a number of layers of anchors between those piles and the rock structure. This is going to be completed now and the Ring Road phase 1 will be repaired in about a few weeks. This is costing us Rs350 m., and what is very interesting is fortunately for us the embankment failure occurred whilst we were within still the one-year defect liability period. So, this is now being paid by the constructor. Rs350 m.! When we come to Terre Rouge-Verdun, the embankment failure, which is an embankment failure of 80 metres over six lanes, over a distance of 300 metres - I remember the former Prime Minister, when I reported the matter to the House, said that if the embankment failure has happened there, what guarantee do we have that we cannot have another embankment failure further up to Ripailles or further down to Valton. So, we have had to carry all the tests again, and now all the plant and machinery has gone to Terre Rouge-Verdun this week, and we are going to start the repairs of the embankment failure - another Rs350 m.

Now, what has happened there is that the layer of soil on which the road was built did not have the capacity to withhold the road, and when water got into it, it just collapsed. If you go to Terre Rouge-Verdun, on the left side towards Ripailles, you will see a place where water comes out as if it is a tap; it is 24-hour and 24/7. That water is oozing out permanently. We have been able to address this issue because we were able to master the terrain. We had brought experts from South Africa, ARQ, and experts from Reunion Island; we also used some of the experts in Mauritius. You know what happened one night? There was a landslide on the right side.

Mr Deputy Speaker, Sir, the landslide brought 300 lorry loads of mud and it crossed the whole of the six lanes, and it occurred at night. Luckily! If something like this had happened during the day, it would have been another terrible catastrophe. We will have the opportunity to set up the expertise that we need, Mr Deputy Speaker, Sir, because it is only

when you will have this master plan, it is only when you are going to have the authority that we can have the expertise. Today, Mr Deputy Speaker, Sir, we have only one geotechnical engineer in Mauritius. Only one! Today, we are not able to have the proper expertise to cover the whole of the island. This Land Drainage Authority will have to provide this capacity and today we are training another engineer in Japan to be able to set up a Geotechnical Unit at my Ministry. We will service the Land Drainage Authority, the TRMSU, the RDA, the NDU and the local authorities. This expertise is very rare, Mr Deputy Speaker, Sir. This is an area where for a land like Mauritius, which is very complicated, we need such expertise.

Mr Deputy Speaker, Sir, drains are constructed by the RDA in classified roads, by the TRMSU for road safety, by the National Development Unit, by the Village Councils, by the District Councils, by the Municipalities. We had all sorts of specifications and we had all sorts of costs, sometimes varying from 1 to 3.

So, what we have done is, we have had a meeting with all the engineers from all the stakeholders, and today, we have come to national specifications on drains and we have requested the Central Procurement Board to put those technical specifications for everybody. We have done that not only for drains but also for pavements, for handrails. We have done that also for resurfacing. I am going to Cabinet very soon to set up a unit which will coordinate all those works so that under this Land Drainage Authority we will be having the same technical specification, and we will be able to have the same costs because costs vary enormously from one institution to the other.

Mr Deputy Speaker, Sir, there was a history of this issue of flooding. I remember it was the Government of 2000, the MSM/MMM Government, which, in fact, for the first time, addressed the issue on a global perspective, and we said that we need a national master plan. At that time, I remember the budget which was expected to address the issue was Rs1 billion every year. Since then, we have had the GIBB report which said that there were 330 sites. We have had some disastrous events which occurred in Mont Gout, which occurred in Port Louis, and also in some other places where we had casualties.

Now the time has come to have this global national address to this problem and there is something which is happening, you have the issue at different levels. I mentioned the issue as regard to road infrastructure which involves millions and billions. When it comes to small drains in urban or inhabited areas, we have one huge problem. The natural drains in many cases have been blocked by people because of haphazard construction. We have today in



Mauritius a frenzy to build walls. When we build walls, the water has to go somewhere. This is the issue that we are having. The local authorities will have to see to it that when the Building and Land Use Permit is given, specifications for all the measures have to be taken but, at the same time, Mr Deputy Speaker, Sir, there should be control after the Building and Land Use Permit has been given to see to it that works have been done as per specification. This is very important because otherwise what is going to happen, we are going to have flash floods and there will be hundreds of sites where people will be in a disastrous predicament and we will have to have the Disaster Management Unit catering for all people everywhere at the same time.

We have a protocol for cyclones, but now we are going to set up a protocol when it comes to flooding. This is important. What is important for cyclone, Mr Deputy Speaker, Sir, it is that everyone, from the child to the adult, is aware what a Class I cyclone means, what a Class II cyclone means and what he has to do for a Class III cyclone. For the flooding, it should be the same. For the flash flood also it should be the same because we know what panic can cause.

I went to Canal Dayot when we had this flooding. You can't imagine! It was horrendous. We never thought that something like this could happen to Mauritius. When you see those bereaved families, the damage, the disaster, the mud, the power cut, it was something we never thought would happen to Mauritius, but this can happen anytime. So, we need to have this protocol and the Authority will be able to do that. Why? It is because the keyword in all this is 'coordination'. Coordination is important to save lives. Coordination is important for efficacy and coordination is important between all the stakeholders so that just like a protocol for cyclone, we know what to be done; who has to do what when you have the disaster as we have seen in the last years.

Mr Deputy Speaker, Sir, the mapping of existing natural and man-made drainage infrastructure is important but, at the same time, the Authority will have to monitor it. You don't do a mapping today, and a few years, five years down the road, the whole thing will change because we are building a lot in Mauritius. Today, we have different types of technology, like infrared technology, for example, where you can see the water and this can help to see how the mapping is up-to-date. If I take the case of Fond du Sac, we all know what happened there. Questions have been raised in the House, solutions have been proposed, which are very costly. Often a cut-off drain of one km up the locality saves the people down street. It is the same for the road, for inhabited areas.

Mr Deputy Speaker, Sir, the RDA has a very important role to play with regard to the drainage when it comes to road infrastructure. Tomorrow we are going to build tunnels and we should be able to master the terrain. Tomorrow we are going to build for the first time a bridge which is a span of 140 metres to cross Grand River North West at Sorèze. If the two sides of the bridge have not been built properly, it just collapses. So, again, I come to the importance of the geomorphological study and the importance of expertise.

Coordination is important. The Authority will have the possibility of having all the stakeholders and this is a very tall order. The protocol is going to come and we will be able to see to it that all Authorities: the RDA, TMRSU, local authorities, the CWA, the Ministry, the Utilities Department, they can all come together and then find solutions because each terrain in Mauritius is different. The problem which happened in Terre Rouge-Verdun was that the tests were carried out over 500 metres. They did a test here and a test 500 metres downstream and they made a projection that that's how the soil structure is, that is, the drainage pattern is, but it was totally different because the drainage pattern changes every 50 metres.

So, this is where this Authority will be able - this is the core structure and I am convinced that if we put in the human resources, the expertise and, of course, the financing because a drainage means billions of rupees, millions of rupees depending on the project. This is the core stone. The Land Drainage Authority is the core stone on which we are going to build up, not only the resources but also we are going to build up a protocol so that we address this issue because we are a very vulnerable island when it comes to climate change. This is what I had to say and I would like to congratulate the hon. Prime Minister for bringing the Bill to the House.

Thank you, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Deputy Prime Minister!

(7.07 p.m.)

**The Deputy Prime Minister:** Thank you, Mr Deputy Speaker, Sir. In my Ministry, there is the Water Research Unit and they are actively involved in monitoring the situation of water in our island. It is on the basis of information which they have provided me, that I am standing today, as I feel that we should put on record in the context of that Bill, certain facts in relation to water, and I won't be very long, trust me.

We are a Small Island Developing State. We are a member of the SIDS community. We have two important islands, Mauritius and Rodrigues. We have Agalega and St. Brandon

which are less important and we have the Chagos Archipelago on which we have no factual control. We feel the brunt and we are on the frontline of climate change on which many of our colleagues have spoken.

Climate change means that we are getting climatic phenomena which we had never heard of before -

- 300 kilometres velocity in cyclones;
- we are getting longer periods of drought, but we are also getting increased periods of rainfall over capacity. These high intensity rainfalls over a short duration renders this Bill all the more necessary;
- we are facing urbanisation, we are facing more and more land conversion of agricultural land into industrial sites and that is why we need to control the water that falls from heaven.

A few facts -

- we receive 3,700 million metre cubes annually as precipitation;
- we use 800 million metre cubes.

The rest is not utilised. The rest goes off rivers, streams and a grand proportion must be drained off our land because of our topology and Rodrigues is in a more delicate situation. The rivers and streams in the island of Mauritius come from the centre and percolate through rivers and rivulets down to the sea.

In Rodrigues, the situation is more dramatic because you do not have many rivulets and the water can be catastrophic in Rodrigues. I am not too aware of the situation in Agalega. 47%, that is, about 1.7 million cubic metres goes as untapped surface runoff into these rivers, streams and into the drains.

This surface water system is served by 92 rivers and 232 rivulets which radiate from the centre of the island through that intense network and for those who were a little bit studious in their geography classes at CPE, remember the map of Mauritius with the rivers radiating down to all parts of Mauritius. It is like the spoke of a wheel. Now, the problem is that in-between these rivers, we have the towns, the villages and when the rain falls, if there is inadequate drainage, then, there is catastrophe. We are continually exposed to the challenges of extreme weather conditions such as flash floods and everyone has spoken of these effects and I will not do repetition.

Now, I add my voice to the chorus of everyone. If we do not do anything, then we will continue to run from catastrophe to catastrophe. Hon. Bodha, as the Minister of Public infrastructure, has described how the failure of proper drain has been a threat to Mauritius, a threat to lives and to safety. This is why I must also put on record my support of the Land Drainage Authority Bill which comes late but in the nick of time. We will have to –

- formulate appropriate drainage schemes;
- identify flood risk areas;
- adapt to the evolving characteristics of climate change and urbanisation challenges;
- carry out inventories and mapping of existing natural and man-made drainage infrastructure.

My Ministry will be by the side of this Authority whenever required. The Water Research Unit has already started working on a plan to assist technically this Authority.

Just to conclude, a few words on the situation at the global level. More than half of the world population live in cities. Every day we look at our television screen, we are met with natural disasters. People are being affected by these disasters. Between 2000 and 2013, more than 200 million people have been affected annually as a result of natural disasters.

In 2015, the World agreed to achieve a sustained development goal, I did not go further because hon. Minister of Environment, hon. Sinatambou, has dealt with it in detail. But the agenda 2030 gears towards a resilient society against the occurrence of natural disaster and climatic change.

Specific goals with targets have also been formulated such as SDG11 to make cities and human settlements inclusive, safe, resilient and sustainable.

That, Mr Deputy Speaker, is the main objective of this Government, and one of the ways in which it is addressing this issue is through that Bill.

Thank you very much, Mr Deputy Speaker.

**The Deputy Speaker:** Hon. Duval!

**Mr A. Duval (First Member for Curepipe & Midlands):** Thank you, Mr Deputy Speaker.

A lot has been said on the Land Drainage Authority Bill.

Let me just say, first of all, that flooding is a huge problem in Mauritius. It is a major concern and our citizens need greater protection from natural disasters and rightly said by the hon. Prime Minister in his opening address. When we think of the tragic events of 2008 and 2013 which still shock Mauritius today. These have left terrible memories and left us in a state of shock.

We mourn to this day, to the tragic losses of life that have resulted from flooding. Land drainage has a major importance in trying to prevent flooding. Today, the hon. Prime Minister, as his first piece of legislation, is bringing the Land Drainage Authority.

I will join my hon. friend Thierry Henry, who said that the intention might be good, but we think that it is a waste of opportunities. We will explain later why we think that this Bill, in fact, does not change anything, it could have been much better. I will give an example of what is done elsewhere, and how we could have had a much more efficient authority which could actually tackle the problem, which would actually undertake the work, but we leave that for later.

Before I get into the land drainage itself, I would firstly like to reply to hon. Rutnah, who has been going on and on as usual about the PMSD. I honestly think that hon. Rutnah fails to say that Xavier Duval was not in the kitchen cabinet at that time in the former Government or in this Government in fact. Whatever has been done, which the hon. Rutnah says, with a lot of bad intention and bad faith, I think, does not actually apply to the hon. Leader of the Opposition.

I would as a piece of advice to hon. Rutnah to go and worry more about what is going on in his party with some people being *agents immobiliers* in Royal Park and all this. I would worry more about looking eye to eye into people and all of this...

**The Deputy Speaker:** Hon. Duval, please come to the Bill.

**Mr A. Duval:** Now, hon. Sinatambou said earlier - I know reference was being made to hon. Patrice Armanance in his speech - that only Rs42 m. were spent on the previous Budget 2015/16.

I do not know if hon. Sinatambou, in fact, did check the summary of expenditures that I have here. I will show it to you quickly.

Under item Capital Expenditure - Vote 2-2 National Development Unit, you will see that, out of the Rs400 m. earmarked for the year 2015/16 - and this is under the heading provisional actual - there has been Rs43 m. spent in construction of drains.

So, it is hon. Sinatambou who is saying things that are incorrect. In fact, he is trying to save this debate today. In the name of trying to save the debate, he is having such a hard time doing it.

It is written, we voted it. It was explained in the House. It is on paper, it is proudly on the Ministry of Finance website and it can be checked by everybody - only Rs44 m.

And this bring me back to hon. Rutnah who said that Xavier Duval, as Minister of Finance, did not do much; that, in fact, Xavier Luc Duval was only a slogan, *résulta lor résulta*. Let me just say that, in fact, there was *résulta lor résulta*. When the hon. Leader of the Opposition was Minister of Finance, there were Rs35 m. earmarked for a fully staffed National Risk Reduction Management Centre and an IT based early warning alert system. This was in the Budget of the hon. Xavier Luc Duval in 2014.

There was further a land drainage agency being proposed to be set up under the Budget for the construction, for the cleaning and for the maintenance of the drainage system across the country, and, on that point, this is the major difference. I repeat for the construction, cleaning and maintenance undertaken by the agency. This is what hon. Xavier Duval proposed. This is completely different from what we have today.

Something else that Xavier Luc Duval did; he allocated Rs1.3 billion to the Ministry of Public Infrastructure, National Development Unit - at the time, which was under the Ministry of Public Infrastructure - for emergency works and this, remember, was a year after the flooding of 2013. So, there were Rs1.3 billion earmarked in the Budget, in order to carry out emergency works, to respond to the needs, for the protection of our citizens across the country and mainly in Port-Louis, in Canal Dayot, etc.

*(Interruptions)*

And we left a few months later to join them, but anyway. Thanks to the Budget of hon. Xavier Duval, contrary to what Rutnah is saying, is that he sought help from the Government of Japan for the Doppler radar facility for the forecast and monitoring of cloud movement and rainfall; as you know a radar that can forecast heavy rain, flash floods and prevent them. So he did that, he went as far to do that as Minister of Finance. There are more obviously provisions were brought in his Budget, for example a hundred fire-fighters to be recruited.

For those who have read the Commission of Inquiry of the DPP, but especially the Domah Report, would have known that there is lack of fire-fighters and this was provided for in his budget. There was also a provision for additional investment of Rs30 m. for landslide works in Chitrakoot and Vallée-Pitot and for the relocating of families at Quatre-Soeurs.

So, I think this is again proved that whatever hon. Ratnah has said, is very empty, very shallow, first of all. Secondly, it is in bad faith. If there is a Minister of Finance, in the very recent past, who has had demonstration of will to stop flooding, it is the hon. Xavier Luc Duval. And we talked about what has been done by this Government, and to show that, in fact, whatever they are coming with today will not at all solve the problem.

*(Interruptions)*

I repeat, Mr Deputy Speaker, Sir, out of the Rs400 m. earmarked for the construction of drains in hon. Lutchmeenaraidoo's Budget 2015/16, only Rs42 m. were spent. I can perhaps predict that the hon. Prime Minister would say that there were debts by the NDU to be paid back and all of this. That is the point, the capital Budget was spent by billions. Money could have been reallocated into the construction of drains had this been really a priority and had this been really if, from what we read from the opening speech of the hon. Prime Minister, a caring Government.

I would like, Mr Deputy Speaker, Sir, firstly not to repeat what has been said but just to identify the objects of the Bill very quickly and to compare. I have to say that this is a major concern for us. We are here trying to give constructive criticisms because we can already anticipate hon. Sinatambou doing a Press conference tomorrow morning.

*(Interruptions)*

So, this is a constructive criticism. The point of making this today is to advise the Government that there can still be changes that can be brought. The objects of the Bill, Mr Deputy Speaker, Sir, read -

- “(a) the development and implementation of a land drainage master plan;
- (c) carry out an inventory and mapping of all the existing natural and man-made drainage infrastructure”

You have all read it. The important point is coordinating the construction of drainage infrastructure and ensuring that there is a routine and periodic upgrading and maintenance and so on. This Act, in fact, tries to duplicate the powers that already exist for the Prime

Minister. In fact, you will see that under the Local Government Act, I will read it out just for you because reference is being made a lot of time on the causal works to be undertaken, the hon. Prime Minister will see under section 51 (5) of the Local Government Act it says -

“Where a local authority fails to carry out any of the duties referred to in sub section 1 (a), (b) and (e), the Minister may intervene to cause to be carried out by another party and in such duties and any such expense defrayed in that respect shall be borne by the authority (...).”

So, this power which is found in this Bill under section 6 already exists. There is already the power for the Prime Minister to cause works to be carried out and that is not the issue. The real issue as referred by my hon. colleagues, the former PPSs is that there is, first of all, no coordination between the various relevant stakeholders. We have all said that and that is a fact. But, they are not taking into account whenever an order is being given to an authority or to a stakeholder, to the NDU or to the RDA or what not, there is never consideration given to whether the local authority or this authority has the financial means to carry it out and, obviously, the workforce.

I am sure that all of us here are aware of the lack of means of the local authorities. This is not a secret to anybody. There is, in fact, a lack of means. There is a lack of workforce. There are always vacancies in every local authority and this is why there is no work being carried out. This is repeated in all the authorities that look after land drainage. So, that is not the solution to create another advisory board that will come on top of all the ones that exist already and that will have some brainstorming activities and then cause work to be undertaken. There is no provision in this Bill referring to how it will, for example, magically find financial means or the workforce for these authorities which are not in a position today to undertake any such work of construction or maintenance.

Therefore, this is why I want to talk, as a comparative exercise, about what is being done elsewhere. In fact, you would see in New Zealand - to me there is a number of legislations - the Land Drainage Act of New Zealand which is very different from our Land Drainage Act for two reasons. First of all, it actually has the power to undertake work, to construct and to maintain. It has a budget but it has additional powers on which this Bill remains completely silent. For example, constructing drains on private land or carrying out surveys on private properties and I will talk about this.



First of all, in the Land Drainage Act 1908 of New Zealand you will see at section 17 - provision to construct and maintain drains and watercourses. It says that - every district there has a board and every board in a district may for the purposes of the New Zealand Act from time to time by itself, its surveyors, agents, officers, workmen, exercise the following powers -

“(a) cleanse, repair, or otherwise maintain in a due state of efficiency any existing watercourse or outfall for water;”

It may –

“(b) deepen, widen, straighten, divert, or otherwise improve any existing watercourse (...); make new water course;

(f) construct any drains of such materials and in such manner as it thinks necessary or proper for carrying the purposes of this Act (...).”

It is important to note that in New Zealand as in Mauritius there is a number of authorities looking after the land drainage but they saw it fit and proper to have a superior authority with a budget, with the means to come and carry works immediately and this is the whole point of trying to solve the problem of flash floods in Mauritius. It is to be efficient. It is to be able to identify all the problem areas. This has mainly been done by the Gibbs Report and by the Domah Report. I will talk about this later but it is also to be able, in a very efficient and quick manner, to respond to problems which this authority that we are voting today will not be able to do.

Secondly, the same land drainage authority in New Zealand may make, maintain, alter or discontinue any work of any kind or description and erect such building and machinery within the district as it thinks proper. If there are works being carried out by another authority, it may take over the work if it does not agree that the work is being carried out in the proper way. It may discontinue any works it feels is unnecessary. It may enter upon, take and hold land within the district for the purpose of this Act.

This is more important, it may enter lands for surveys. For example, for the purpose of an inspection, survey or enquiry, it may enter the private lands without having to go to Court to have an order from the Court, without having to serve any notice on the person. Its surveyors may enter any land, which is logical if we are trying to have a super authority, if we believe what has been said by the Prime Minister that this is, in fact, a landmark legislation to solve flooding problems, then we need to ask ourselves why don't we have in

this authority here the power to enter upon any private land without having to seek higher authority's order.

It is like this in New Zealand. There is also another major importance in the New Zealand legislation. Again, it can make drains from private lands and if any land in the district is not drained of surface and storm water by some efficient drain communicating with some public watercourse or drain used, the board may construct, through any land lying between the first mentioned land and the nearest watercourse, any drain.

But, I think, the most important provision in the New Zealand law which we fail to have here is the sanctions. Hon. Rutnah has been going on and on about the sanctions that this authority has. In fact, we fail to understand from this legislation who is going to carry out the sanctions and whether the authority will be able by itself to issue pulling down orders which I don't think will be the case. It will still have to go to the Court. It will still have to wait for a number of years for a Court to give pulling down orders. This is the problem that most district councils face today and this is the reason why you will see illegal constructions of drains which are not being tackled. You will see a fine being imposed on the person and then there is no actual follow-up which is made to get the illegal construction removed. You will see a fine being imposed on the person and then there is no actual follow up which is made to get the illegal construction removed and this is what the Land Drainage Authority in New Zealand can do. It reads as follows –

“Every person not being authorised for that purpose by the board, who without the consent of the board makes any branch drain into any water course or drain vested in the board or under its management or without such consent stops or obstructs and if such, last mentioned water course or drain, is liable for every such offence to a fine not exceeding £30 and the board may cause such branch drain to be remade as it thinks fit and all expenses incurred - and this is the important part - thereby shall be repaid to the board by the person making such branch drain and may be recovered in accordance to part (iii) of the Summary Proceedings Act.”

So therefore, not only does he impose the fine, it can cause the obstruction to be pooled down the drain which has been interfered with to be re-arranged, to be re-modified and all expenses can be borne, may be caused to be borne by the person who has contravened the act. We have nothing comparable here in this legislation in terms of offences and when we read the Domah report, those who have read have seen that there are a number of those

who have now been identified as being culprits of causes of flash floods. You have for example, the Kentucky building here in Port Louis and there are a number of areas. I will just quote a few from former Justice Domah. It says for example, in his report –

“Then there are those illegal construction activities allowed on river bank and drain reserves. It is all too easy for somebody to say “I have no building permit, let me build.”

If caught, the fine will be just between Rs500 or Rs1,000. The day’s salary of a mason or two. For the most cases prosecuted, the power of demolition has not ever been pursued or ordered. The authorities in a number of cases issue stop notices. Sometimes they are simply flouted. Those who build have intimate knowledge that the procedure is long-winded, the enforcement agency lean of staff and the Prosecution Authority untrained in law. Most of them have formal or informal legal expertise and tactics behind. Most of the time, the illegal construction would start on a Friday afternoon and end on a Sunday when offices are not working. By the time the officers come, go on the site to check, the building is already raised and the illegal construction, high and dry. And then it goes to talk about examples of places where you have illegal constructions, now potential sources of flood. There for example, I quote again –

“There are constructions on existing natural drains a Cité C.H.A Terre Rouge, a developer has obstructed the existing drain by constructing a wall and blocking it additionally by a mass of concrete. Site visits were effected by officers of the Pamplemousses/Riviere du Rempart District Council. Notice was served on the developer. A report was also made. The developer was requested to give permission so that the authorities could clear the drain and remove all obstructions. And that is my point about the power to enter land. They deployed personnel for that purpose, but the developer denied them access to the site particularly to that compound.”

So this is, in practice, what happens and I thought that this Bill would, in fact, bring solutions to the problems that have been highlighted in the Domah Report, has been highlighted in the DPP in Commission of inquiry. This is not new to us. We have been knowing this since 2008 and this could have been remedied. In fact, we would have hoped that the Government in the Land Drainage Authority would have come to remedy this. There are other examples and this is needless for me to say it, this report is public, Members can go and read it, but this is the gist of the argument. First of all, the authority cannot order illegal

constructions to be pulled down. So therefore, it is *la mort après la tisane*. There are illegal constructions all around Port Louis. We have them all around Mauritius.

In Curepipe, in my Constituency, we have it everywhere, on the rivers, my friend, hon. Sewocksingh and hon. Stephane Toussaint know very well of that. And what are we offering here in this Bill to remedy it? Nothing! We are not bringing in any solution to avoid having to go through the courts to have orders. Usually, procedures that have never started for lack of expertise in the legal field or for other reasons or just because the authorities do not just want to bother about going into these long procedures. And therefore, all these constructions will remain. And whenever rain will fall, however many drains you will build or you will clean, the risk will remain that we will suffer from flash flooding because of these alterations made to drains, because of its modifications illegally made to the drains, that we are not tackling here in this Bill. There has been no real planning of construction in Mauritius. There has been no real focus when issuing which the hon. Bodha just mentioned, talking about the local authorities when applying for a Land Use and Building permit. There is no real follow up made on the construction. And, therefore, it is the case in Mauritius that we have a number of illegal constructions blocking drains, watercourses which are potential sources of flash floods. My question is to the hon. Prime Minister who will be summing up after me, who will tackle in an effective and immediate manner this problem. Is it going to be the Land Drainage Authority? I do not think so because provisions would have been made in this act. Who will grant the authority power to enter private land, to carry out surveys or to construct drains in private land? I do not see it in the Bill and I am not aware of any other legislation that gives this authority that power. Therefore, these are important questions that need to be tackled. And the most important question of all, if we are going to prevent further illegal constructions, is how we are going to coordinate between the police, the authority, who by themselves do not have the powers unless they are accompanied by the required authorities. How are we going to ensure that there is a coordination? And these are very genuine questions between the authority, the police, the district councils, the municipalities and all this, to make sure that as from the enactment of this legislation and as from the setting up of the Land Drainage Authority, we will, in an effective manner, prevent in Mauritius most illegal constructions on drains or water courses that may intensify the problem of flooding. This is what I would like the hon. Prime Minister to tell us and we would also like to know because this authority can only cause to be made drains or to be maintained. In fact, the power that already existed, I quoted from the Local Government Authorities, the Local

Government Act. This power already exists, we are just duplicating it here. How are we ensuring that when we are giving the orders or the recommendations or issuing guidelines by the authority? How are we ensuring that the stakeholders have the means and this is the most important problem in Mauritius right now? The financial means to do it and the workforce. In Curepipe, we have vacancies, we have had vacancies, since I have been elected, there have been vacancies for welders and the hon. Toussaint as well as the hon. Malini Sewocksingh know this very well. For welders, for masons, handymen and all this, there are constantly vacancies. In Curepipe, whenever you ask for a drain to be cleaned from the Municipality, the answer is the same. We do not have the workforce and we have to subcontract, to outsource. But, then, they do not have the money to outsource. That is the thing. They cannot do it themselves nor can they outsource. This is a problem that we have had in Curepipe for two years. This is a problem that probably had existed in Curepipe for a number of years. This is a problem that I am sure exists in every District Council and every Municipality in Mauritius. I am not saying that it is the fault of this Government. We were in charge of the Municipality of Curepipe. The fault is not yours alone, but there is today this issue that we are not in any way addressing, and if tomorrow that happens, then the fault would be yours for failing to provide any remedy in this Bill. So, we want to know how you are going - because to carry out works urgently is key to prevent flooding - to manage to do effective and immediate works and cause the authorities to suddenly have the budget and the manpower to do it.

On another point, Mr Deputy Speaker, Sir, I note what my good friend, hon. Ramano has said last week. *Il a déploré l'absence du ministre des Collectivités locales, du ministre des Infrastructures publiques, du ministre de l'Environnement, du ministre des Utilités publiques dans le débat. On note aujourd'hui que ces noms ont été rajoutés à la liste. Je trouve déplorable que ce gouvernement - supposedly caring Government - has not seen it fit, that these Ministers had not seen it fit before hon. Ramano intervened, to come and intervene on the Bill. Well, c'est un hasard incroyable! C'est une coïncidence, et je tiens à déplorer cela.*

It has been pretty clear that this Bill that we have today is not, in fact, the Bill that we were expecting. It is not, in fact, the urgency that the hon. Leader of the Opposition at the time, in 2014, expected. It is not the Authority that the Domah Report recommended. It seems that I lost my paper on the report of the DPP, but in any case, it is public. I would recommend anyone to go and read it. This is, in fact, why we say this is *un Chihuahua sans dents*. Some might say it is bulldog, but I have preferences for Chihuahuas. This is a

*Chihuahua sans dents.* Because we have model legislations in New Zealand, in England, that provide for a super authority, acting under the aegis of the Minister - in this case, the Prime Minister - that must have the power. Otherwise, if it only has an advisory role, another bunch of advisers, and doesn't really have real power, if it only duplicates powers that are already granted in the Local Government Act, powers that already exist, if its purpose is to try to regroup and duplicate all the work without solving any issues, as I said before, what are we doing about the illegal constructions, how are we going to ensure funding, workforce, etc.?

*Cette loi nous laisse sur notre faim. C'est une occasion gâchée pour l'honorable Premier ministre en tant que sa première loi qui est votée au Parlement sous lui comme Premier ministre. C'est une occasion gâché* to show that you are a caring Government - the flooding, the materials, the losses that are suffered by so many Mauritians, the loss of lives that we have had, the injuries, the loss of homes, the loss of all belongings. You know, I have had in my constituency, not later than Monday, in Midlands, the Ramrekha family. We went there about a month or two ago when there was heavy flooding. They lost everything in their house. Granted the house is not constructed in a very intelligent manner and that it is below road level. Granted! But, then, how could they have obtained the Building and Land Use Permit or how could they have been allowed to live there for a number of years, for generations, and that no one seems to be doing anything about it? So, they live in fear. They live without any hope. They live in fear because they know that, when the rain would fall, they would probably lose all their belongings. They would probably have to shut down the electricity and probably have to take their mattresses and all their clothes and move out and go to the neighbour's house or to a family member. What the Ramrekha family is suffering *n'est pas un cas isolé*. It is not an isolated case. This is something that happens in almost every constituency. This is something that happens almost every year when the rain falls. And now we owe it to these people who have suffered, to these people who have lost their lives, to actually come and bring meaningful change. This is what this Government was elected for, but this is not what we are doing here in this Land Drainage Authority Bill.

I say it again. The intention might be good, but unfortunately, it is lacking in actions. It is lacking on the powers of the Authority. I really hope that the Prime Minister will enlighten us as to all the points, which I think are valid points, which have been raised in this debate on this side of the House. Obviously, some would say *c'est du narien pas bon*. But let me say that these people suffer from *le syndrome de la grosse tête*. The syndrome of *narien pas bon* on this side, and on that side *syndrome de la grosse tête*. In fact, there are two kinds

of syndrome, it seems. I am convinced they suffer from this syndrome, a very rare syndrome, but I am afraid that a few people, in fact, suffer from this syndrome; *le syndrome de la grosse tête*. I hope that they get it checked.

Anyway, we are lucky, Mr Deputy Speaker, Sir, that we did not meet heavy rainfall for the past two years. Otherwise, and I say it again, Mauritius would have been again on its knees, again would have to suspend work and send every employee home, to close down every school and have all these emergency measures. But we cannot continue to live in fear. We need to find solutions, and concrete solutions.

I end up by saying that, unfortunately, it seems that the safety and the comfort of the Mauritians is the last concern of this Government.

*(Interruptions)*

Maybe, it is shown in the actions! It is their last concern, unfortunately. We have seen, in 2014, what meaningful changes meant in a Budget that catered for Rs1.4 billion as expenses. We have seen. Unfortunately, we do not see it here. I will just say, Mr Deputy Speaker, Sir, that, again, we are not making politics on this. These are constructive criticisms, in my opinion, and I hope that the Government would take them on board. They still can. The Bill has not been voted yet or they can still take the commitment to bring the changes necessary.

*(Interruptions)*

Yes. I will look for an adviser.

In any case, Mr Deputy Speaker, Sir, this is the point. We know perhaps that, very unlikely, the hon. Prime Minister will come with amendments today but, at least, if he can take commitments to look into all these things that have been said. Il ne faut pas juste les balayer de la main parce que c'est le PMSD ou l'Opposition qui a amené ces recommandations. Ce sont des recommandations que nous pensons correctes, logiques et de bonnes pratiques qui se font tout autour du monde, notamment dans les pays phares comme la Nouvelle-Zélande, où, comme l'honorable Dayal a souligné tout à l'heure, ils ont des problèmes beaucoup plus importants en termes de catastrophes naturelles qu'à l'île Maurice. Et là-bas, ils arrivent à faire face, donc nous devons adopter ces bons exemples, ces bonnes pratiques et surtout trouver des solutions concrètes aux problèmes de drains mais surtout d'inondation.

Je vous remercie, M. le président.

**The Deputy Speaker:** Hon. Prime Minister!

**The Prime Minister:** M. le président, tout d'abord, laissez-moi remercier tous les membres qui sont intervenus sur ce projet de loi que je considère très important pour le pays. J'ai écouté avec beaucoup d'attention presque toutes les interventions et je dois dire que *I am somehow amazed with some Members who have intervened.*

Mr Deputy Speaker, Sir, while appreciating the enlighten support of the Bill by orators on this side of the House, I cannot but find it paradoxical that some orators on the other side who are, first of all, unanimous in their acknowledgement of the vital importance of the Land Drainage in mainland Mauritius - in fact, critically exposed to the climate change, as has been so ably stated by my colleagues and friends here - where we are exposed to the whims and vagaries of nature. They are critical of and opposed to this Land Drainage Authority. The pertinence and urgency of such a Land Drainage Authority, I suppose must have escaped their vigilant attention, and I have noted, probably, maybe, because of some political convenience or because of sheer opposition, just for the sake of opposing.

The reasons for their opposition to the Bill setting up the Land Drainage Authority, to my mind, are tenuous and superficial, as the various clauses in the Bill, if seriously and attentively looked at, and considered, are, in fact, answers in themselves to their queries and doubts. I have, Mr Deputy Speaker, Sir, taken the time to have a look at all the points that have been raised through the debates of our august Assembly and I have tried to find what the hon. Members have brought forward as arguments against the Bill. And I must say I don't find their arguments convincing and necessitating any amendments as the last orator has suggested.

I must say hon. Bhagwan has emphasised, quite rightly, the need for quality assurance and international best practices and I must say he has been very positive in his approach, except that he has dubbed the Land Drainage Authority as a provider for jobs for the boys and open to political interference. Let me reassure him that, here, we will ensure that the Authority becomes, and is seen to be immune from any political interference, and that it will scrupulously observe the very best practices, and that people who will be nominated also will be people who are able and competent and who will - at least, we look forward to them - deliver because this is what we want, because that will reflect also on the engagement of this Government.



Hon. Ganoo has dwelt lengthily on clause 6 of the Bill and opined that the Land Drainage Authority has no power to sanction and will be a toothless bulldog - some others also have said that - and has appealed to me, and I quote what he said –

“(…) that once Land Drainage Authority is proclaimed all the infrastructures and all the clauses in the Bill help the authorities, the stakeholders, help the poor people in this country to be able to confront the floods next time it rains.”

Let me assure the hon. Member that the authority will function without any fear or favour and in serenity and in total independence. Hon. Mahomed who referred to various petitions has again criticised us for coming up with this authority, that it will again be jobs for the boys and they will be some protected few who will be nominated and expressing doubts about the relevance of consultants who come and go, and opts for a prescriptive approach in his conclusion with the five i’s instead of clearly stating that he is not agreeable with this Bill.

Hon. Ramano is of the view that the Land Drainage Authority will be ineffective because it does not have a workforce, and to quote what he said –

“The Authority *n’a même pas le moyen pour mettre en application, sauf des correspondances de courtoisie avec les différents ministères.*”

Là aussi, je dois dire, M. le président, que l’honorable membre passe à côté de la plaque parce que le fonctionnement de l’autorité, the very purpose, and if you read, in fact, the Explanatory Memorandum which says it all, how this authority is going to function.

L’honorable Henry a dit que c’est un *toothless bulldog* et qu’il faut qu’il y ait des pouvoirs de force de loi pour pouvoir implémenter des projets par lui-même.

L’honorable Madame Selvon aussi stated that while the Bill is a necessity and is urgent, believes that the civil society ought to have been consulted, even roped in *as partie prenante* of the authority and that there is a multiplicity of *parties prenantes* that can only clog the administrative machinery of the authority.

Well, today I listened to the last orator; I won’t use the term what he has used. I think he mentioned hon. Rutnah is of bad faith. I won’t say that. The PMSD has been in Government since 2005, if I am not mistaken, with the Labour Party, 2005 to 2010. I didn’t want to go into that today, Mr Deputy Speaker, Sir, but I have to, because I can’t just leave things just un rebutted going on like this. It’s as if they are just new now to this Parliament!

They have just come to this Parliament now! Whatever has happened in the past, as if it never happened, never occurred! I grant maybe hon. Adrien Duval because he was not in Parliament, but he could have advised hon. Xavier-Luc Duval. All this time, I think, he must have been Minister of Finance for quite a number of years, but you were an influential Member of Government, I believe or were you, I won't use the term 'kitchen cabinet'. You keep on saying 'kitchen cabinet'. *Vous vous rendez comique! Vous faites du cinéma, du comique!*

*(Interruptions)*

*Peut-être dans la basse-cour alors.*

*(Interruptions)*

Where were you? In which Government were you? In which Cabinet were you? *Dans le cabinet!*

*(Interruptions)*

You are making people believe as if in Government there are two cabinets. You have been in Government, assume your responsibility! Just as I have been in Government before, and I stand to it whenever I have been in Government with the MMM in 2000/2005. I have been in Government with Navin Ramgoolam for one year only, but I stand to it.

*(Interruptions)*

And I can face anybody, I can say, I can answer, I can react and reply also, Mr Deputy Speaker, Sir.

*(Interruptions)*

I won't say that it is only just now or today that I am in Government.

The hon. Member is talking about recommendations. Why were those recommendations not made before? Again, I won't say 'he used bad faith'. I stated and I maintain that we have invested massively in the construction and upgrading of drains across the island. From January 2015 to June 2016, some Rs520 m. have been disbursed. An additional amount of Rs1.2 billion has been allocated to meet expenditure on drainage structures for the financial year ending 30 June 2016. May be in this budgeted item, I don't know how much will have already been spent, but we will see. I hope a maximum. But you

can't just come to this House and just say that we have only spent Rs42 m. when that is not correct.

The hon. Member is referring to New Zealand. Mr Deputy Speaker, Sir, I listened very carefully to what the hon. Member said, and I must say I am really surprised. I must confess, I don't know what avails in New Zealand in terms of powers that the hon. Member has been mentioning. He said: in New Zealand if Government wants to build a drain or an infrastructure, and no matter who owns the land, they will just go in and they will start to build.

*(Interruptions)*

The question I ask this House and myself, first of all, I was wondering, Mr Deputy Speaker, Sir, what if really, maybe I still say, I have not looked at the law in New Zealand, but what if we had really included these powers in this Bill before this House?

*(Interruptions)*

We would have been treated as *les gens qui veulent exproprier la terre*. I don't want to be long in this argument. Why I say this? It is because I will remind the House what they have been saying on the Metro Express where we are coming up with a major infrastructural project. Okay, you might not agree with it. Fair enough! I don't want to go into this debate, but the issue of land acquisition, we are doing it according to law, according to our Constitution. We are following all the procedures and it is not easy. My colleague, hon. Minister Nando Bodha and the Vice-Prime Minister are having meetings with owners of the land trying to come to an amicable agreement and we know how sensitive it is. We know how *sentimental c'est* for a number of people. The hon. Member is proposing that, why is it that for Metro Express you do not propose that? For drains, you said: "go in, take the land, build!"

*(Interruptions)*

No, it is a real joke, I must say!

*(Interruptions)*

Mr Deputy Speaker, Sir, we have laws. Is the hon. Member suggesting that we amend the Constitution with regard to compulsory acquisition?

*(Interruptions)*

**The Deputy Speaker:** Order!

**The Prime Minister:** I must say I take strong exception to what the hon. Member has said that safety is the last concern of this Government. I will just say that there is no need for me to comment on that. I thought that the hon. Member would have been fairer in his criticisms against the Government. You can say a number of things, but don't say that safety is the last concern.

Therefore, I don't want to go any further, but I must say that I note there is general consensus for the setting up of this Land Drainage Authority. Just to clarify, I would like to emphasise on a few things -

1. A recent study, based on field surveys carried out by the Department of Environment in collaboration with relevant stakeholders, has revealed that the key factors which exacerbated and accelerated flooding at various locations in Mauritius were -
  - houses built below road level and in natural depression low point areas;
  - new developments where drainage issues were not addressed adequately;
  - limited capacity of drainage network in certain areas associated with obstruction of drains with debris and other materials, and
  - developments in backfill ex-wetlands, waterways and on river flood plains.

Therefore, addressing all these issues, require a concerted approach with all the concerned stakeholders on board into yield, effective and durable solutions. This is, in fact, the guidelines to be issued by the Land Drainage Authority that will be used by the various relevant authorities when processing applications for permits.

2. After almost a century of development and urbanisation, there is no clearly defined plan for outlets of drainage system. And too often, it is after developments have taken place that their impact on existing drainage infrastructure is felt. That is why consultants have recommended that, in fact, we make an inventory and mapping of existing man-made and natural drainage infrastructure which will be an integral part of the master plan.

It will enable this Land Drainage Authority to quantify the impact of new developments on existing ones and clearly assess the drainage consideration of the area. We hope that this would induce the concerned agencies to undertake the development in a more responsible manner, in fact, to minimise its impact on the existing built-up area.

3. The management of storm water has crossed jurisdictional implications. A number of institutions have worked for the decades, albeit in an *ad hoc* manner and, after so many years, they have gathered field information and developed competence that cannot be endowed. This is why a Land Drainage Authority has been recommended as being the most feasible and practical option. The Land Drainage Authority Bill will be required to develop an integrated National Land Drainage Master Plan which will serve as the primary tool for interventions by all concerned actors. The Master Plan will, *inter alia* –

- take into consideration the environmental and ecosystem functioning while mitigating impacts on our agricultural as well as coastal zone.
- facilitate holistic watershed, management practices which could include enhanced protection of wetlands which also function as a buffer for storm water retention and prevent flooding.

The latest state-of-the-art modelling tools will be used to address projected impacts of flooding and this will also enable this Authority to foresee the impacts of future developments on land drainage for better land planning. Now, this plan will enable decision-makers to conduct cost benefit analysis and multi-criteria analysis of proposed drainage option to establish the solution that would be economically most feasible with minimal disruption to the national ecosystem, economic activity and the society.

4. The Land Drainage Authority and all relevant stakeholders will be called upon to work in partnership to achieve the strategy of the National Land Drainage Master Plan and, whilst the Land Drainage Authority will be a regulatory body, all the other authorities where capacity is already available will, in fact, continue to shoulder their responsibilities for the construction and maintenance of drains.

This point has been made by several Members and they should understand that all the authorities, all the stakeholders, of course, they have their powers within which they operate within the legal framework, but the coordination is crucial, Mr Deputy Speaker. No doubt, of course, we will need additional and financial resources, but that will be provided to them to cater for more capacity and modern equipment whenever required. This, I hope, will enable us to make optimum use of existing expertise and resources both financial and human and will achieve sustainability in the long-term.

There have been also several proposals regarding representatives on the Land Drainage Board. I wish to assure the House that all the major stakeholders likely to assist the Board to achieve its objectives have been taken on board.

It is also to be noted that provisions have been made in the Bill as follows: clause 7(2)(n) to appoint three persons on the Board having wide experience in the field of land drainage or administrative matters and, as such, one member from the civil society having the required experience may be appointed as Member of the Board because I heard somebody saying: “well, you know, we are not engaging with people.” Of course, apart from that representative, there will be a number. For example, wherever there is going to be upgrading of an infrastructure, it will be done also in consultation with representatives of that Constituency, with people who are from that region.

In section 7(4) (a) for co-opting any person who may be of assistance in relation to any matter before the Board - this will enable representatives from organisations such as the CWA, the WMA, the Ramsar Committee to be co-opted whenever required.

Mr Deputy Speaker Sir, somebody mentioned clause 7(3)(a) and (b) where engineers are not allowed to be part of the Board and that engineers are professionals and technicians. Why is it that engineers are not allowed to sit on the Board? What the person wanted to show when he mentioned civil engineer in that we need to professionalise the Board. We cannot just have people from the kitchen to come and cook, again, the kitchen syndrome. That person - I say that person - strongly advised that the civil engineer be from the Civil Engineer Association or Institute of the Civil Engineer, a representative from the Professional Architect Council to be part of the Board. It is good for me to read clause 7(3)(a) –

“(a) No person who has any interest in any civil engineering undertaking or consultancy shall be appointed as member.”

And

“(b) Any member who acquires an interest in any civil engineering undertaking or consultancy shall resign from the Board.”

I do not know if it is a bit difficult to understand this kind of English, but this is the interpretation that has been given that no engineers will be allowed to sit on the Board. Now how nutty can you be? I mean if you do not understand, you can go and have private tuition. I am sure there are Members who are well advanced, who can teach, who can look at dictionaries, but for that person to say such nonsense, Mr Deputy Speaker, shows, in fact, that there is no argument just saying anything for the sake of saying.

Concern has also been expressed by certain Members that the Land Drainage Authority is not empowered to take action in case authorities, such as the NDU, Road Development Authority, Local Authorities, do not comply with decisions taken by the Land Drainage Authority regarding construction and maintenance of drains. Let me reassure all Members that the authorities will be provided first with funds in their respective budgets to undertake their responsibilities as required. They will be accountable also and they will be monitored by this Authority to see to it that the work is being done.

In fact, hon. Rutnah has raised a point with regard to ‘person’, but I am informed that ‘person’ would include also a group of persons. It will also include a company or a body because this is the interpretation that is given by the Interpretation and General Clauses Act.

I have been provided also with a number of explanations, but I do not think I will be going through all of them because I see some of them have already been dealt with. Therefore, Mr Deputy Speaker, Sir, let me say that the setting up of this Authority is yet another concrete example of the transformation and modernisation process of our country in consonance with the Government’s vision of our nation’s better future.

With these concluding words, I commend the Bill to the House.

*Question put and agreed to.*

*Bill read a second time and committed.*

## **COMMITTEE STAGE**

*(The Deputy Speaker in the Chair)*

### **THE LAND DRAINAGE AUTHORITY BILL**

**(NO. 1 OF 2017)**

*The Land Drainage Authority Bill (No.1 of 2017) was considered and agreed to.*

*On the Assembly resuming with the Deputy Speaker in the Chair, the Deputy Speaker reported accordingly.*

*Third Reading*

*On motion made and seconded, the Land Drainage Authority Bill (No.1 of 2017) was read a third time and passed.*

**The Deputy Speaker:** The sitting is suspended for one hour.

*At 8.24 p.m., the sitting was suspended.*

*On resuming at 9.34 p.m. with the Deputy Speaker in the Chair.*

**THE MAURITIUS INSTITUTE OF EDUCATION (AMENDMENT) BILL**

**(NO. II OF 2017)**

*Order for Second Reading read.*

**The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. D. Dookun-Luchoomun):** Mr Deputy Speaker, Sir, with your permission, I move that the Mauritius Institute of Education (Amendment) Bill (No. II of 2017) be read a second time.

This Bill purports to amendments that are being made to the Mauritius Institute of Education Act with the main object of upgrading the institution into a degree awarding body and making provision for matters ancillary thereto. Let me state at the very outset that the presentation of this Bill falls within the context of the major systemic reforms being undertaken in the education sector especially that relating to the Nine Year Continuous Basic Education Programme.

Teachers, Mr Deputy Speaker, Sir, are the single most important within school factor for students' achievement. It has been truly well said that "No education system can rise above the quality of its teachers." Hence, the successful implementation of the NYCBE rests on the provision of the opportunities that will improve educators' professionalism at various stages of their career. Teacher retention is also greatly encouraged when opportunities are created for them to look forward with career long learning possibilities. Otherwise, there is likely to be a generalisation of the situation that we see in the Caribbean region with poaching of and subsequent brain drain and exodus of teachers.



The MIE, as the major teacher education institution is, therefore, called upon to play a crucial role in this context. Mr Deputy Speaker, Sir, to do so, the existing legislation governing the MIE has to be amended. As it stands today, the MIE Act allows the Institute to only award certificates and diplomas but not degrees. By the same Act, the MIE can only make recommendations to the University of Mauritius for the award and conferment of the same. This restrictive legal provision has created serious roadblocks on the advancement of teacher training and continuous professional development of the teaching community. This is quite unacceptable.

Over the years, the MIE has trained around 50,000 educators in different subject areas. This has been done in close collaboration with a number of higher education institutions. Where the University of Mauritius is concerned, we are talking of the B.Ed. programmes while programmes at Masters and Doctorate levels are dispensed in close association with international institutions of repute such as the University of Brighton UK, Middlesex University UK and the University of KwaZulu-Natal, South Africa. Thus, apart from the 213 MA education students it has had on roll, the MIE has 31 other registered at PhD level and a number of that includes Academics from other tertiary education institutions as well.

The remarkable aspect is that 44 years down the line while most of its personnel with Masters and PhD degrees are engaged in supervision of dissertation and also run and jointly deliver Masters programmes, the institution itself has no power of awarding its own degrees. This is ironical because as far back as 2013 the Quality Audit Report of the MIE which was effected by the Tertiary Education Commission with a panel of international experts had recommended that MIE be given the status of a degree awarding institution.

Mr Deputy Speaker, Sir, we all know that the Mauritius Institute of Education was set up in 1973 to engage in three major tasks –

- (i) teacher education;
- (ii) curriculum development, and
- (iii) research.

Where the first two are concerned, it has fulfilled its responsibilities to the full. Thus, the national curriculum frameworks for the three subsectors of schooling have been elaborated. On the other hand, it has over the years provided the necessary workforce for the country to develop its education sector and, by extension, its economy.

Through its higher education provision it has widened the avenue for mobility for a number of people who would have, otherwise, not been able to aspire to higher education. A number of those who could not afford to go abroad for higher education obtained the opportunity for higher education through the MIE and could aspire to a career in the education sector. Were it not for the MIE, they would perhaps not have been able to pursue their professional development and a career and, Mr Deputy Speaker, Sir, among these we have a large number of lady teachers.

Indeed, much of the feminisation of the education sector that we are witnessing today may well be due to the capacity building and professional development facilities offered by the MIE. There is no doubt that the MIE has today become a flagship institution for education in its own right.

Research is the characteristic feature of high education institutions. It is, therefore, interesting to note that the MIE is engaged in research through a number of institutional initiatives associated with its Masters and PhD programmes as well as its Post-Graduate Certificate in education programme. It is worth highlighting that MIE staff are engaged in research projects funded by the MRC in areas such as discipline problems in schools, mapping educational achievement and early childhood in Mauritius. They even publish regularly in local and international journals of education in their respective fields of expertise. In addition, it holds regular research seminars so as to develop research capacities in Mauritius. Such activities benefit both MIE and other tertiary institutions who participate in its research activities. It is currently experimenting and developing a number of research papers on educational technology. Furthermore, the MIE has engaged educators in a culture of active research, allowing teachers to enhance their learning and teaching process within their classrooms through innovative pedagogies.

There are, Mr Deputy Speaker, Sir, two other features we need to keep in view to demonstrate the reality check that the MIE has come of age to graduate to a degree awarding status –

- (i) over the years MIE has gained recognition outside Mauritius and it is noteworthy that the MIE diplomas holders are recognised and working in countries like Canada, Australia and UK. I am informed that today, it is noteworthy that professional degrees of the MIE graduates are given due recognition in Canada, a country which is well-known for its stringent

requirements in terms of recognition offering qualifications. I need hardly stress further the significant contribution that MIE can bring to the construction of the knowledge hub when recognised as a degree awarding body and as a centre of excellence for curriculum development and teacher education in this part of the world. Already as Minister, I am being constantly solicited by some states of our continent to facilitate the transmission of MIE expertise in both domains, and

- (ii) it is worth mentioning that MIE has a strong quality assurance mechanism model on that of external universities. MIE has so far been subjected to two external quality assurance audits conducted by the Tertiary Education Commission and it has been implementing the recommendations of the external audits.

Mr Deputy Speaker, Sir, at the time the MIE started offering the BA programmes, it had been relatively recently setup and the tertiary education landscape as well was quite restricted with just the University of Mauritius as a one public university that awarded and conferred degrees.

The tertiary education landscape has today considerably evolved and in this change environment it is deemed timeliest for the MIE to graduate into a degree awarding body. It is in this new context, Mr Deputy Speaker, Sir, that this Bill is being presented. The objectives of bringing the amendments to the MIE Act are to consolidate the provisions of the Act and to empower the Institute to confer its own degree programmes at Bachelor's level.

Allow me, Mr Deputy Speaker, Sir, to now present and explain the rationale behind the amendments proposed in the Bill. Section 2 of the MIE Act will be amended to include the definition of "Tertiary Education Institution" which will be as already defined in the TEC Act, that is, the Tertiary Education Institution means public Tertiary Education Institution as specified in the Schedule. This amendment has resulted from the proposed review of the composition of the Academic Board to ensure a greater representation of the tertiary education sector.

One of the objects of the Bill is to empower the Institute to confer its own degree programme at Bachelor's level. Currently, as per Section 6(2)(b)(i) of the MIE Act, the Institute has to make recommendations to the University of Mauritius for the award and conferring of degrees as it cannot award degrees on its own. This is considered to be a serious

limitation. Thus with the proposed amendments to grant degree-awarding status to the Institution, this Section will no more be valid and will, therefore, stand to be deleted.

In the same breath, the related Section 6(2) (b)(ii) of the MIE Act will be amended to provide for the Institute to now award degrees whether on its own or jointly with any other tertiary education institution, in addition to its existing power to award certificates and Diplomas. MIE will continue to associate itself with external universities in course development, quality assurance, curriculum development and research, thus, Mr Deputy Speaker, Sir, will give its degrees an international validation and recognition.

Mr Deputy Speaker, Sir, Section 10(3) of the MIE Act provides for the composition of the MIE Council which is the apex body of the Institute responsible for the management and administration of its affairs. The MIC Council regroups representatives of different stakeholders of the education sector including one representative of the Ministry responsible for Finance and one representative of the Ministry responsible for Economic Development.

However, as there is only one Ministry which has been assigned for some time now with this responsibility, namely, the Ministry of Finance and Economic Development, these sub-Sections will be amended to provide for only one representative from that Ministry.

In replacement, given that the MIE caters for the training for both the State and Private Secondary education sectors, it is proposed to include a representative of the Private Secondary Education Authority (PSEA) on the Council. This will ensure a better representation of the private secondary education sector at the level of teacher training, particularly in view of the specificity of this sector. In so doing, it is considered that there will henceforth a better representation of all stakeholders of the education sector on the MIE Council.

Mr Deputy Speaker, Sir, currently, Section 11 of the MIE Act provides that the Academic Board makes recommendations to the University of Mauritius for the award of degrees. With MIE being empowered to award its own degrees, this would not stand any more. Hence, it is proposed to delete Section 11(2). In the same breath, related Section 11(3) will be amended to also include award of degrees so that the Academic Board will henceforth be responsible for the award of degrees in addition to certificates and diplomas. Moreover, the MIE Academic Board which consists of representatives of my Ministry, unions of primary and secondary sectors and representatives of the University of Mauritius and now that the MIE has been working with the University of Mauritius, the UTM and the Open

University of Mauritius among other Tertiary Education Institutions, an amendment is also being proposed to the composition of the Academic Board to allow for better coordination and effective collaboration. The proposal is to have the Academic Board henceforth consisting of two representatives of the Tertiary Education Institutions instead of two representatives from exclusively the University of Mauritius. The definition and designation of the Tertiary Education Institutions would be as already provided in the TEC Act. This amendment will provide for greater dynamism and creativity in the academic operations of the institution.

In line with the amendment for the MIE to award its own degrees, provision will have to be made at Section 19 of the Act for the Council to make regulations as appropriate for the proper functioning of its Institute. A new subsection 19 (1) (c) (a) is proposed to be introduced to enable the Institute to make Regulations if required for the award of degrees in addition to certificates and diplomas.

Mr Deputy Speaker, Sir, the proposed amendments to be brought to the MIE Act are long overdue. In fact, they are in line with the ultimate goal of my Ministry which is to make teaching an all-graduate profession. Besides, this proposal for a changed status of the MIE aligns with international trends where similar Teacher Training Institutes, sometimes operating under the Ministry of Education, are empowered to award degrees. Such models are the Institute of Technology, New Delhi, the Institute of Education of the UK, the EIE Institute of Education, Malta as well as the Independent Institute of Education, South Africa, and the IPG campus Rajah of Malaysia amongst others.

With the amendments, the MIE will continue to be subjected to the quality assurance mechanism of the Tertiary Education Commission. I am confident that this initiative will bring a significantly positive impact in the teaching and learning process and at the same time enhance the confidence of our teachers, which can be but beneficial to our pupils and the future generations.

Mr Deputy Speaker, Sir, with these words, I commend the Bill to the House, and I thank you all for your attention.

**Mr Bodha rose and seconded.**

(9.55 p.m.)

**The Deputy Speaker:** Hon. Baloomoody!

**Mr V. Baloomoody (Third Member for GRNW & Port Louis West):** Thank you, Mr Deputy Speaker, Sir. Let me start by the Cabinet decision taken on 31 March 2017; decision 6 of the Cabinet, which reads as follows –

“Cabinet has agreed to the introduction of the Mauritius Institute of Education (Amendment) Bill into the National Assembly. The main object of the Bill is to upgrade - the word ‘upgrade’ is used - the Mauritius Institute of Education into a degree-awarding body in the context of the education reforms. The Institute would continue to associate itself with external universities - that they are doing now with Brighton and South African Universities - in course development, quality assurance - this is important. That was Cabinet decision - curriculum development and research.”

This is what Cabinet decided. The keywords are ‘upgrade the MIE into a degree-awarding body’, ‘quality assurance’, ‘curriculum development and research’. But when we refer to the Explanatory Memorandum of the Bill, what do we read? Just two lines!

“The main object of the Bill is to upgrade the MIE into a degree awarding institution and to make provision for matters ancillary thereof.”

Already, Mr Deputy Speaker, Sir, we find a fundamental difference between what Cabinet decided and approved and what this Bill proposes. This is of utmost importance, as I will address this fundamental issue, which is quality assurance: independent quality assurance, independent quality control which, unfortunately, this Bill is doing away with.

*(Interruptions)*

I have been very, very kind enough to listen to the hon. Member. Can she please listen?

*(Interruptions)*

She will have an opportunity to reply. So, to start, let us see what we have available today with regard to degree-awarding institutions. I am not going to talk about all the foreign universities which have a campus here because their campuses are here, but the degrees are awarded from external universities. So, the quality control is there with regard to these universities. They give the course here, but their Board, their Senate of whatever foreign universities we have here are the ones that award the degrees. So, I am not going to talk with regard to these universities.

I am going to talk about what we have with regard to our public universities in Mauritius, degree-awarding institutions now. We have today, in Mauritius, the University of

Mauritius, which was officially established in 1969, and in 1975, the University of Mauritius Act was passed and it defined the object, powers, functions, structure of the University. The University of Mauritius today is the main provider of tertiary education. Its degrees and certificates are recognised both in the region and worldwide. It is an institution of excellence and of regional eminence. Then, we have the University of Technology, which was established in the year 2000. The main objective of the University of Technology was to provide multilevel tertiary education and training to meet the needs of Mauritius with emphasis on sustainable development with regard to science and technology. However, when we look at the courses offered today by the University of Technology, it is clear that it has deviated from its main objectives. They are offering all sorts of courses today other than specialising in science and technology. It is to be noted that the MMM will be consistent with itself, and this will be our stand today. We took that stand in 2000. We took the same stand in 2012 when the Bill for the Open University was passed. We took the same stand, and together with the MSM, when the hon. Minister today, who was then a member of the Opposition together with the MMM, we took the same stand when the *Université des Mascareignes* was founded. I will come to that later.

Now, it is to be noted when the Bill for the establishment of the UTM was debated in the House on 23 March 2000, we, in the MMM, were not against its establishment, but we had strong reservation about its administrative structure and the political control, where the Board of Governors of the UTM is completely under the control of the Minister. The Board is chaired by the president appointed by the Minister, and when one looks at the composition of the whole Board, there is a complete ministerial control.

We, in the MMM at that time, in 2000, were against this lack of academic freedom. Unfortunately - and I stress on the word 'unfortunately', we know what is happening at the university today. There has been and there is still political interference in the running of the university, in its appointments and promotion of its staff. Today, we know what is happening at the UTM. There was strike last week. Teachers, academics are challenging promotions. There have been cases in court in the past regarding promotion, challenging the Director's decision. This is at the UTM, but unfortunately, like I said, this is what is happening.

Then, we have the Open University of Mauritius, established on 12 March 2012, and according to the Open University of Mauritius Act 2010, the Mauritius College of the Air, which was established in 1971, has integrated the Open University of Mauritius in July 2012, and the Open University provides different courses. Then, we have the *Université des*

*Mascareignes* founded in 2012. It is the fourth public university in Mauritius. It was established after a merger between *l'Institut supérieur de technologie de Camp Levieux* and Swami Dayanand Management of Pamplémousses.

When the Bill for the University of Technology was passed, the MSM was not in the House. So, we do not know what stand the MSM would have taken when the Bill was passed, establishing the University of Technology. But when the *Université des Mascareignes* was passed, the MSM did intervene. Its *porte-parole* then, today hon. Minister Dookun-Luchoomun, did intervene. Then, we have, other than these four universities, two institutions - not universities - under the aegis of the Ministry of Education, which both offer degree courses, but the certificates are issued either by the University of Mauritius or the UTM, depending which courses, if you are part-time or full-time. You receive a certificate from a university, not an Institute.

Let me talk about what the MIE Bill deals with. Let us look at the MIE Act when it was passed. What was the object of the MIE? Let us read section 4 of the Act –

“4. Objects of the Institute

- (1) The objects of the Institute shall be to -
  - (a) provide facilities for and engage in educational research, curriculum development and teacher education in order to promote the advancement of learning and knowledge in the field of education;
  - (b) provide teacher education responsive to the social, linguistic, administrative, scientific, agricultural and technological needs of Mauritius; and
  - (c) do all such things as are incidental or conducive to the attainment of those objects.”

This is what MIE was created for! Let me refer this House to the debates of 1973. I refer to the mover who, at that time, was the Minister of Education, hon. Jomadar –

“That is why after careful study of the function of the institute and after taking the advice of Mr Dodge from the Overseas Development Administration and of UNESCO, it was found preferable to set up the institute, not as a school of the University, but as a separate institution, a corporate body under the general



supervision of the Ministry of Education and working in close collaboration with the University of Mauritius.”

Why this close collaboration?

*(Interruptions)*

The hon. Member will intervene later as his name is on the list. Can you please, listen?

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Baloomoody:** Otherwise if you want to take the floor, I am prepared to give the floor!

**The Deputy Speaker:** Order!

**Mr Baloomoody:** The main objective was to have a close collaboration with the University of Mauritius and this is the independent academic, quality control which is essential for a degree. So, it is clear from both the debate introducing the Bill and the debate in the House, that the MIE was set up for a specific purpose like I have quoted in the Act and in the debate. Thus, the MIE was to be an institute based on what we have in the UK, namely the Institute of Education which is the Education School of the University College of London. So, it is an institute whose certificate is from the University College of London. The Institute of Education is the largest education research body in UK. It has the largest portfolio of degrees and postgraduate programmes in education - we are talking about education in UK - and it is ranked first in the world. Thus, the IOE runs the course and conducts research and the quality control of the University College of London.

As today, the MIE is running courses under the independent quality control of the University of Mauritius.

*(Interruptions)*

Tertiary Education Commission is the supervisory body, but the quality control is done by both, but the certificate is issued by the University of Mauritius. Thus, the MIE is an institute whereby quality control of its courses is conducted by the well-established and recognised institution, namely the University of Mauritius and its degree certificate is issued by the University of Mauritius, a recognised, regional, international institution *qui a fait ses preuves* since the last 35 years.

Now, let me refer to what the hon. Minister herself said when addressing the House on 03 March 2015, in the course of the Government Programme speech. This is what she had to say –

“There will be the Quality Assurance Agency for Higher Education of UK (...) is making an audit of the Tertiary Education Institutions and will soon submit its final report to the Ministry of Education and the House would wish to know that my Ministry has already discussed with the audit team and given a set of pointers as to the direction we would wish this sector to take.”

And she was right! She was right because after what has happened in our Tertiary Education, all sorts of unrecognised universities were allowed to set campus in Mauritius. Therefore, the hon. Minister was right to have a full audit of our Tertiary Education. Now, my question is simple: we are two and a half years after that speech was made in this House. Two and a half years of this Minister! Fortunately, the same Minister is still the Minister of Education. Have we had that Audit Report? If we have, can we have a copy?

*(Interruptions)*

Why do you say why? It is public funds for public institutions. We are concerned about the value of the degree we are going to give. We were concerned, you were concerned when you took over as Minister. You stated in the Government Programme speech that there will be an audit. Have we had an audit of all the Tertiary Education Institutions, including the MIE and the MGI and the four universities? And if so, can you please lay it on the Table of the Assembly so that we know whether we are going in the same direction as recommended by that audit? This is the issue!

Let us be clear. We are not converting the MIE into a university. The MIE will remain an Institute under the aegis of the Ministry of Education, as it is now. It will remain an Institute, but now with all the ancillary amendments announced, we are removing the University of Mauritius out completely. All the representatives of the University of Mauritius out! So, they will award a degree without any independent quality control. This is why probably the word ‘quality control’ is not mentioned in the memorandum of that Bill. So, we end up after three or four years with a degree certificate from an Institute and not from a University.

*(Interruptions)*

No, right now, it is from the University of Mauritius. The degree is for either the University of Technology, but not a degree from an Institute.

An awarding body must have the appropriate power and/or has satisfied any relevant accreditation process that is required within the country. Has the MIE satisfied any accreditation process and, if so, can we have that report? Which body gives that accreditation process? What will be the equivalence of the degree awarded by the MIE at regional and international levels? Have there been studies done? I know students who have got a PhD in Europe, in Africa, especially Europe, people whom I know, their first degree is from University of Mauritius and it is recognised. Do we have the guarantee today that a first degree from an Institute where there is no university mentioned, MIE Institute under a Ministry will be recognised at the same level as a university degree? These are the questions we are asking today.

Why am I asking this question? It is not the first time that the issue of allowing the MIE to award degree on its own has come up. The issue has been canvassed since 1982 and each and every Minister of Education who has been appointed Minister of Education has refused to submit to that lobby because they know that it won't be in the interest of any degree holder for the future. I have spoken to, at least, four ex-Ministers of Education. Even the last Minister of Tertiary Education, hon. Dr. Jeetah, refused to give way although he was allowing - I must say, the worse Minister - to send campus, but he refused. But all Ministers since 1982, under the MSM Government, under the MMM Government or under the Labour Party Government have refused because they know that a degree from that institution, independent from a quality control university will be probably not to the advantage of the degree holder.

I have listened carefully to the hon. Minister. I must say, I am not convinced. She has not put forward any compelling reasons as to why we are coming to this Bill. Just upgrading! Just by telling an institution to give a degree, now you upgrade that institution, without looking at an audit! I'll not do that.

So, if Government wants to review and upgrade MIE, it's to review the whole mandate of the MIE. It should have carried out a full audit of the institution since it was set up, to make a proper swot analysis.

*(Interruptions)*

If you have it, let's have a copy of it! Lay it on the Table!

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Baloomoody:** Analysis to analyse its weakness, its strength, until review, its needs and required resources to perform as its best. Rather than taking such course of actions, the Bill makes a little tricking as done with the Nine-Year Schooling, and we are promised another burden to that institution which will have to shoulder the Nine-Year Schooling project.

Now, questions are being asked as to whether the MIE is, in fact, providing a teaching education responsive to the social, economic, linguistic, administrative, scientific, agricultural and technological needs of Mauritius. Let me give one example! Let's look at the last results of the CPE, SC and HSC!

*(Interruptions)*

No, the teachers are from the MIE, they are trained. All the teachers who teach CPE, SC and HSC are supposed to have been formed, trained by the MIE. So, one can compare the performance of what the teachers are giving, the performance of their education, their training with the result. There must be a correlation between what is delivered in classrooms and what we had as the end result.

Let me take the CPE first! In 2012, CPE 83% passed; 2014: 83%; 2016: 81%, decreasing. And what is worse, so, in 17,099 candidates, 13,160 succeed in their examinations, 720 re-sat and they passed the examinations, 3,212 students failed. That is the CPE for last year.

Let us look for the SC! 75% in 2005; 78% in 2010; 72% in 2015; 72% in 2016, decreasing again. In the total of 15,532 who took the examinations, 4,403 failed the SC examinations.

The HSC, 78% in 2005 and 75% in 2016. Out of 9,285 students who took the examinations, 2,279 failed.

But worse, when you go in the details - and this where the question is being asked about our teachers.

Let say in English, when you look at the mention of credit, that is, one to six, 54% in 2012 and 50% in 2016. So, 50% of students who passed the SC examinations, failed, don't get a credit in English.

In French, only 57% got a credit. One will have supposed that French is the most spoken language and easier, only 57%. So, 43% of students who passed SC, don't get a credit in French.

And in Mathematics, it is even worse. It was 55% in 2012 *contre* 48% in 2016. So, more than 50% of students who passed the SC, don't get a credit. So, forget about these students joining as civil service. No credit in English, no credit in French and no credit in Mathematics!

Now, let's look at the elite, those who get the A+. In English, only 373 students, that is, 2% in 2012 compared to 200 in 2016, that is only 1% of the students who took the SC examinations got an A+.

4% of the students who took the SC examinations in French got an A+. 3% of the students who took an examination in Mathematics got an A+. This is the quality of education, the MIE, the teachers were teaching our students, the MIE is proving today. And we want this institution now, without any audit, without any looking back at its composition or its academic structure to issue degree. *Et la triste réalité de l'échec scolaire, M. le président!*

You know if you look at the age group. For each ten children who take the Std I examinations, only 8 will get a CPE, only 5 will get a SC, and only 2 will get a HSC. This is the reality. 10 who enter Std IV, class one '*first*', 8 will get a CPE, 5 will get a SC and 2 will get a HSC. This is the reality.

This figures are from the Mauritius Examination Syndicate, these are not my figures.

So, this is the reality with regard to our education system today we know that these teachers are being trained by the MIE.

Now, when it comes to curriculum research, curriculum development, in its own website, the MIE says it is also responsible for research and curriculum development. It is the Body in charge of developing the curriculum, textbook writing and evaluation. Unfortunately, the MIE has failed to deliver in research and curriculum development. The typical classroom, as I knew it, as you knew it probably when you were student, has remained unaltered.

*(Interruptions)*

A few classes have changed. But we still use the chalk and the blackboard.

*(Interruptions)*

Private tuition has consolidated its grip on the system. Examinations determine the curricular, the programmes of studies and the classroom pedagogy. With regard to research, we hardly have any ground of breaking research carried out by the MIE, since it was created.

The MIE is supposed to promote advancements of knowledge and innovation in education through research. Informal educational policy, improved access to initial and continuous professional development in education to provide quality service to education. When we look at the MIE website, all that we have with regard to research are a few research projects dated as back as 2011. This is what we see in the website. The teaching profession is yet to see major research contribution in the field of teaching in Mauritius.

If the MIE has not yet carried out really good research so far as it can boost itself, how will it, a degree awarding institution, improve its capacity of research? This is the question we are asking. Now, this is not all! The MIE claims to be the body in charge of textbooks writing and evaluation. Year in year out we hear about the delays in the publication of textbooks on time. On certain occasions, textbooks are printed in a few units at a time and later photocopied to be distributed to students. I am not the one saying all this let us see in the audit report itself.

The audit report says clearly how - and, it is good to know that this audit report is the first audit report of this Government. It starts from January 2015 to July 2016. What does the audit report have to say with regard to books? It says –

“11.3.1 Orders placed late and books delivered to schools with considerable delays –

- (a) Due to poor planning, the procurement exercises were carried out late in 2016.

“There was a lack of monitoring and coordination between MIE and the Ministry regarding submission of materials for new books and the subsequent clearances for printing.”

Lack of coordination!

“ICT manuals for Pre-Voc Year IV, which should have been made available at schools at the start of the academic year, were procured in July 2015.”

This is the MIE we have today! What is worse for Rodriguans - I hope they are not being treated as second-class citizens - there was more delay be in Rodrigues and worse in Agaléga.

Printing of books was not ordered on time, quality was not good, there were so many errors, etcetera.

When we look at the website of the MIE, I hope I am wrong but it has not been updated by the things coming after. Can you imagine, the last Director's Report of the MIE dates as far back as the year 2011 and it was published in 2012! This is what we see on the website.

Even with the Nine-Year Schooling, up to now, teachers are desperately looking for examination papers which the MES is supposed to produce. Can we say that the MIE has been a success story when we look at all its missions? Has there been a proper audit to see whether it is delivering? Why the urgent need now to allow the MIE to run degree courses on its own and to issue certificates on its own? What is the motivation behind this Bill? Like I said, we are not converting the MIE into a university. We are keeping the same structure, council and all this, but we are removing all the representatives or anything to do with the University of Mauritius is being removed, replacing them by one gentleman from the PSSA - God knows who will appoint him or her - and two representatives from the Tertiary Education Commission. Again, it is not mentioned and because it is under the aegis of the Ministry it is not difficult to conclude that it will be the Minister who will appoint them!

*(Interruptions)*

There will not be any representative of the University!

*(Interruptions)*

I do not know! They are all under the aegis of the Ministry of Education. Like I said, I will not be surprised and it will be legal because they are aegis and there is nothing wrong if the Minister appoints them, but will they be again?

So, we don't have the structure of a university namely like we have in a university, a Council, a Senate, a Vice Chancellor and all that, and we don't have a respectable academic Board with qualified professors who were represented by the University of Mauritius and who are going to be removed. Thus, we are doing away completely from the quality control of the University of Mauritius. No independent external control, as mentioned in the Cabinet Decision! Like I said, will they be political nominees or political appointees we don't know. The PSSA will be on the Council. On the academic Board, the two representatives of the University of Mauritius are being removed. The full representative of the University is being replaced by two representatives of the Tertiary Education Commission. Who will choose all

these representatives? Why are all the professors, the academics of the University removed on that Board?

So, when we look at the composition of the Board, when we look at the ancillary amendment as it is being called which is, in fact, the removal of any connection whatsoever with the University of Mauritius and its replacement by a PSSA representative and...

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Baloomoody:** This is what the Bill says! Never, never! Let me read the Bill and come back again. If the hon. Minister wants me to start again I will start again.

*(Interruptions)*

What does the Bill say?

*(Interruptions)*

**The Deputy Speaker:** Order!

*(Interruptions)*

**Mr Baloomoody:** What does section 11 say? Section 11 says clearly to delete paragraph 6 of the Amendment Bill and, by the way, let me come to section 4 of the Bill which deals with section 6. We are deleting section (b)(i) in Section 6 of the Act. What does section (b)(i) say?

“To make recommendations to the University of Mauritius for the award and conferring of degrees;”

So, no recommendation to the University of Mauritius!

“to award diplomas and certificates (...)”

So, we are removing this. The University of Mauritius will have no say whatsoever with the award of degrees and diplomas and, by the way, I think there should be an amendment to paragraph 4(b). We should add the word ‘to’ before ‘award degrees, diplomas’ in paragraph 4(b) of the Bill which amends paragraph 6. So, here we are doing away with consultation with the University of Mauritius.



When we go further, we look at paragraph 6 of the Bill which deals with section 11 of the principal Act; we are repealing subsection (2) on the Academic Board. Section (2) of the Act reads –

“The Academic Board shall, in consultation with the University of Mauritius through a sub-committee chaired by the Director and with equal representation by the University and the Institute, be responsible for making recommendations to the University of Mauritius for the award of degrees.”

So, we are removing each and every consultation or representation on the Board of the University of Mauritius. This is clear. So, they will act on their own, award degrees on their own without any independent quality control.

Now, what about the quality assurance mechanism? What guarantee do we have in that Bill, when we are amending the Act, of the quality assurance mechanism? The more so, like I have said many times, we are removing completely representative of the University of Mauritius, consultation with the University of Mauritius.

**Mr Baloomoody:** We are not changing the composition of the Academic Board. We are not upgrading the representatives on the Academic Board.

*(Interruptions)*

*Ki sa veut dire sa?* The Academic Board, we need people with experience in tertiary education, who have worked in universities, who have experience in universities and research. We are doing as if the same what we did with the nine-year schooling. The nine-year schooling was introduced under *catimini* in the Finance Bill. There was no debate in this House on the nine-year schooling. It has been introduced this year. There has been no debate and consultation by the Minister herself. It started in December and on adjournment matter, I wanted to raise the problem of the nine-year schooling when she made a Press conference - I think it was on 15 or 16 December - where she said: “Now I am going for consultation”. *La charrue devant les boeufs!*

**The Deputy Speaker:** Order!

**Mr Baloomoody:** This is what we are having exactly! And today, implementing the nine-year schooling - there are still many controversies and it is still in a mess. And again, when I read the paper of today, what happened yesterday? There was, I think, a seminar where the Minister was present and she rightly stated: Good, she is coming with a Higher

Education Bill which will look also at tertiary education, at all the universities and degree institutions. Why don't we look at that Bill first before rushing into amending the MIE just to give it a degree awarding institution? When we are coming with a Higher Education Bill, we would have an opportunity to look at all the Audit Reports that have been in all our institutions and to see whether the market demands that the MIE should be upgraded into a degree awarding institution. Even at the union's level, there is no unanimity among the teachers. Let me look at what Mr Manoj Sunassee, *membre exécutif* de la Government Secondary Teachers' Union say-

*“(...) indique que les enseignants du secondaire déchainent déjà un diplôme universitaire. C'est extrêmement complexe! Quelle est la nécessité de convertir le MIE en un degree awarding body se demande-t-il ?”*

So even teachers..

*(Interruptions)*

One is enough ! One union!

*(Interruptions)*

One welcomes and says, ok! So, it looks like there has not even been consultations with trade unions, no agreement among the stakeholders and we are coming today to amend the MIE, to make it a degree awarding institution.

But what is interesting is the stand of the hon. Minister when she was in the opposition together with the MMM - we were sitting there - and after my friend Obeegadoo intervened on behalf of the MMM, when the Bill was debated in the House on 15.5.2012, she stood up and totally agreed with what hon. Obeegadoo said. And what he said –

“Our concern was the independence of that institution.”

The *l'Université des Mascareignes* Bill, and this is what the hon. Minister has to say –

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Baloomoody:** Mr Deputy Speaker, I quote –

“Mr Deputy Speaker, Sir, there is no need to set up institutions just for the sake of setting up institutions. It is important for us to optimise resources may it be financial resources or for that matter human resources. It would seem more appropriate to

anchor or integrate these institutions either to the UTM, as it is already, or to the University of Mauritius.”

She was then against setting up other institutions and we were setting a university! She was against setting up another institution when according to her, 3 years ago, that was her stand. No need for further institutions! No need for further universities! And what we are doing today, we are making an institution become a university. This is what she had to say -

“Let me take the case of India. Let’s take the case of the University of Delhi. We have been told earlier, I think, by hon. Dr. Bunwaree that we have to ensure that students manage to get into universities. The hon. Minister mentioned that we are already working at full capacity at the UTM and at the UoM, but the idea of affiliation does not mean that you have to move to Réduit or move to UTM. You can still remain in Pamplemousses or Camp Levieux and the institution can operate under the aegis of these universities. I’ll take the case of the University of Delhi in India. The University of Delhi has got more than 79 institutions affiliated to the University of Delhi. Let’s look at the size of Delhi. It is around 600 square miles, less than Mauritius, but it has a population of 16.7 million, 14 times that of our Mauritian population. Still they manage to work with all these different colleges and institutions under the aegis of the University of Delhi.”

So, for her, there was no point as in Delhi you have many institutions which run university courses, but it is the University of Delhi, the supervising body, the quality controller who awards the degree. And today, we are moving fast before any audit and when know we are coming with a Higher Education Bill which will look at all the tertiary education. So my appeal to the hon. Minister is that there is no rush, there is no need. There will be no punishment caused to anybody. Those who are taking the courses at the MIE will still be granted their certificate by the University of Mauritius. We are not stopping anything. Let us have a proper discussion on our tertiary education, let’s have a proper audit of all the institutions, local public institutions providing degree, then we decide whether the MIE will be an institution.

And the last question is: if today we are talking about the MIE, tomorrow will it be the MGI? And why not the MGI? So, we just want to please I don’t know who! If today it is the MIE, so why not the MGI tomorrow? Because the MGI itself runs courses today and the certificates are issued, I think, from the University of Mauritius. Why? This is why we should

have a holistic approach and not piecemeal one. Today, we look at the whole institution. Tomorrow, we would add this one because this one pleases us? For this one, we like the Director, for this one, we are happy with the Chairman, we give him this facility. No, this is not the approach we should take with such an important issue of education.

Let's stop that today, let her come with the Information Bill, let's have a proper audit, a proper debate on all the institutions providing degree, then we decide whether the MGI, the MIE or which other institutions should grant university degree because from my information, most of those who are attending courses at university level prefer to have a certificate like all of us who have been to universities with the heading of a university on it not the heading of an institution.

I have done, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Rutnah!

(10.43 p.m.)

**Mr S. Rutnah (Third Member for Piton & Rivière du Rempart):** Thank you Mr Deputy Speaker, Sir. I am not going to say that we have rushed into this Bill today, but it is the right time for Mauritius to have such a Bill presented in the House.

Mr Deputy Speaker Sir, let's look at the history of education in this country, specially before 1973 when the MIE Bill was brought to this House by Mr Jomadar as my very abled and learned friend, hon. Baloomoody, pointed out. Before 1973, only a few privileged were able to go to universities. And it was back in 1815, a man called Jean Lebrun set up the first school in Mauritius where working class people could send their children to that school in order to get education and time passed by. We know the setting up of the Royal college. Who was going to Royal College in those days?

*(Interruptions)*

Not on those days, I am talking about the eighteenth.

There were only a few privileged who used to go to Royal College in Curepipe and then later on to Port Louis. And then time passed by when sons of the labourers of the sugar cane fields as well were able to join Royal College in Port Louis and Curepipe. In the days when I am talking about Jean Lebrun and thereafter only a few privileged used to go to Royal College in Curepipe and Port Louis. Then the University of Mauritius was set up. The University was

set up to provide free education to students in Mauritius. I am setting up the background at the moment because hon. Baloomoody has said a lot for 50 minutes.

*(Interruptions)*

Now, I am not going to enter into a cross conversation from a sitting position.

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Rutnah:** If we look, Mr Deputy Speaker, Sir, at the same debate to which hon. Baloomoody referred to - but now he is leaving the House - I will also be referring to the same part of Hansard. The mover of the Bill then started by saying a number of things about amendment and then thereafter he said the following –

‘Hon. Members, will recall that in the four-year plan for social and economic development, it is proposed to set up an Institute of Education having responsible for the following activities and I am going to paraphrase –

- (i) secondary teacher training;
- (ii) the provision of in-service training courses for teachers;
- (iii) the organising and conducting of seminars on pedagogical topics particularly on methodology and the use of audio visual learning aids;
- (iv) guidance and advice to the Teachers Training College in the training of primary school teachers particularly on matters of curriculum development, methodology and audio visual aids their construction and use;
- (v) the Institute will eventually contain the nucleus of the Mauritius Examination Syndicate, which syndicate took birth soon later in years;
- (vi) the Institute of Education will be an appropriate body to help and guide educational, mass media programmes such as educational radio and television;
- (vii) undertake studies into curriculum reform and preparation of syllabi and to make available professional advice to the Ministry of Education and teachers on these matters;

- (viii) the Institute will provide administrative training for principals of secondary schools, primary inspectors and head teachers of both primary and secondary schools, and
- (ix) undertake research work’.

This was back in 1973. So, from 1973 onwards, the MIE has conducted all these activities. Never on the press have we heard any criticism addressed against the MIE on all the activities it has conducted since 1973. Never any trade union has complained. Never any politician either from this side of the House or the other side, be it whatever Government has come into power, has ever questioned the work that the MIE has done throughout the years.

Now, I am also going to refer to the same paragraph that hon. Baloomoody referred to. Before that paragraph, there is one crucial one that hon. Baloomoody did not refer to and I read part of it –

“The Institute, in fact, primarily answers the needs of the Ministry in respect of pre-primary, primary and secondary education whereas university deals mainly with higher and further education in development fields.”

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Rutnah:** At that time, hon. Jomadar - I don’t know what party he was in - he had some wisdom, some degree of intelligence to express what he wanted because at the time we were still a nation in the making. At the time we were an independent nation, but we were not independent so to say financially, economically. We were only independent for the sake of it. We were still in a country where we were trying to make things work. He started it. He sows the seed and now the time is ripe to give this institution its full credit, its value, its credential, its recognition because it is not only recognised in Mauritius as the hon. Minister pointed out, but in Australia, Canada and many other countries where holders of diploma of the Institute have found career and they are excelling. Had we had not bogus universities in this country? Those who have left! We have suffered brain drain. Those who have left could have been here if we would have been setting up proper institutions unlike EIILM - I don’t know what other University was set up.

Earlier on, Mr Deputy Speaker, Sir, we heard about students who have failed CPE, who have not attained with credits in English, French or Maths at School Certificate level.

We heard hon. Baloomoody putting it fairly and squarely on the competence and on the back of those teachers. But who is responsible for lowering down the standard of education in this country? Who? Deliberate so as to allow those who previously would not have been able to read for higher school certificates, those who were not allowed previously to go to Universities were going there so that those bogus ones can feed on the loans and advances that those poor parents were taking in order to send them to EIILM University.

Mr Deputy Speaker, Sir, coming to the paragraph that hon. Baloomoody referred to, that is why, after careful study of the function of the Institute and after taking the advice of Mr Dodd from the Overseas Development Administration - Remember what I said earlier on. We were an independent country for the sake of it, but really speaking, we were not financially and economically independent; we were still under the control of the colonial regime because we had to refer to this man, Mr Dodd, of the Overseas Development Administration and of UNESCO -, it was found preferable to set up the Institute not as a school of the University, but as a separate institution, a corporate body under the general supervision of the Ministry of Education and working in close collaboration with the University of Mauritius.

Since 1973, a lot of water has run under the bridge. We are, today, a nation which is economically independent. We are, today, a nation that has grown up. The Mauritius Institute of Education has not awarded degrees, but was always empowered to our diplomas.

If we look at the Act, by virtue of section 6, which deals with the function of the institution, section 6(2) (b) (ii) states –

“(2) Without prejudice to the generality of subsection (1), the function of the Institute shall be to –

(b) (ii) award diplomas and certificates;”

Now, since 1973, the Mauritius Institute of Education has been awarding diplomas and certificates to teachers. Why on earth? Why today? When we are a nation that can stand on our feet, why cannot we allow that Institute to issue degrees and give it full recognition just like we have got the Massachusetts Institute of Technology, the Indian Institute of Technology, the Madras Institute of Technology? It is very wrong to say that those who only obtain a degree from a University is the correct degree. That is very wrong. It is very narrow-minded. Today, when we talk about education, we have to apply a wider margin of appreciation of the education system in which we live.

I still remember, when I was at college, my teachers used to say - because in those days at schools and colleges, we were not only given academic text books to read, but we used to get educated from our parents at home and at school -, “Education starts from a mother’s womb and ends to the tomb. And the more you learn, the more you don’t know how much you know, because an intelligent person is he who doesn’t know how much he knows.”

So, Mr Deputy Speaker, Sir, today, when we speak about education, we cannot just limit it to the extent that it is its only academic, it is only professional, A+, B+ or whatever pluses. What is the point? I have seen it. Let me say something very truthful. I know doctors, lawyers, engineers who have got good educational background; A+, college degrees, university degrees.

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Rutnah:** When hon. Baloomoody was speaking, I was listening! So, at least, they should extend the courtesy!

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Rutnah:** This is the relevance! Some people have gone to universities and got good grades, but they have not learnt basic manners, and this is what I was coming to!

*(Interruptions)*

This is what I was coming to! Once, I took one of my constituents to the hospital, and when I saw the way the doctor was speaking to that old lady, I asked myself, “Is this guy an educated guy?” But, then, I realised that, despite all his credentials, he did not learn manners at home. Similarly, I have seen judges, lawyers, magistrates, engineers, accountants, and quite a lot. Basic...

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Rutnah:** Some of you might think that what I am talking is not relevant, but here I am speaking about...

*(Interruptions)*



**The Deputy Speaker:** Order!

**Mr Rutnah:** ... education, because hon. Baloomoody opened a can of worms and I have to deal with it.

*(Interruptions)*

If they restrict education to only academics and professionals, then I have to deal with it.

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Rutnah:** And if you look at the debate in 1973, it was a very educated debate, as my friend, hon. Lesjongard, pointed out, because the press was gagged in those days. If you read the intervention of the then Leader of Opposition, Sookdeo Bissoondoyal, then you will learn, then you will know how the press was gagged and was not able to say things against them. They were all the time talking about the freedom of expression, but today, at least, Mr Sunassee, the trade unionist, was allowed to speak on the press, *Le Mauricien*, which hon. Baloomoody quoted.

Mr Deputy Speaker, Sir...

*(Interruptions)*

**The Deputy Speaker:** Hon. Ameer Meea!

**Mr Rutnah:** I am on the Bill and I will always be on the Bill, because if those who sit in the Opposition do not like the argument that I am pursuing, it does not mean that my points are not good. I am within the premise of the Bill.

*(Interruptions)*

Mr Deputy Speaker, Sir, we are concerned about only four clauses in this Bill, and by virtue of these four clauses, what are we doing? At section 6, we say that we are repealing subsection 2 (b) of the principal Act, and the hon. Minister, quite rightly, introducing a new paragraph to this Bill and saying that it will read as follows –

“Without prejudice to the generality of subsection (1), the functions of the Institute shall be, amongst other things, to award degrees, diplomas, and certificates, whether on its own or jointly, with the Tertiary Education Institution.”

And this deals with the criticism raised by hon. Baloomoody, when he says that we are getting away with quality assurance and excellence and that when the Cabinet decision was made to upgrade MIE into a degree awarding body, associate with external awarding body, quality assurance, independent Bill doing away with it...

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Rutnah:** Mr Deputy Speaker, Sir, in relation to the criticism of the Cabinet, let me remind hon. Baloomoody and everybody in this House...

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Rutnah:** He is so happy!

*(Interruptions)*

He is so happy! He reminds me of Thomas Hardy.

*(Interruptions)*

Happiness is an occasional episode in a general drama of pain! I know that it is very painful to sit in the Opposition but, at least, today I will make them happy!

The main object of this Bill is to upgrade the Mauritius Institute of Education into a degree awarding institution and to make provision for matters ancillary thereto. So, this is the object and there is this phrase – “(...) matters ancillary thereto” which deals with the criticisms of hon. Baloomoody.

Mr Deputy Speaker, Sir, I am not going to delve into irrelevancy. I am not going to talk about University of Mauritius, University of Technology or their objectives, their Boards etc. For the purpose of this debate, it is completely irrelevant. I am not going to deal with it. Now, the question was asked: is it going to be a recognised degree?

Mr Deputy Speaker, Sir, the existing award of the Mauritius Institute of Education has always been a recognised award. Now, what difference does it really make when you upgrade that institute into a degree awarding institution? A diploma course is two years. A degree course is three years. One extra year in that institution, is that going to make the degree a second-class degree, so to say? Those who teach at the Mauritius Institute of Education are very professionally and academically trained lecturers; they have been lecturing for many

years. They have got their qualifications, some have a first degree, a second degree or even a PhD; some of them are even professors. And you are going to come and say in the House that an institution of that calibre that is going to appoint its own degree is not going to be recognised?

It remind me of 1993 when the law was changed in England and Wales. In those days there were lots of polytechnics around in England and Wales. In 1993, the then Government came up with an Act to allow polytechnics to be given the status of Universities. All those universities which were polytechnics before or are doing equally good as established universities, and I still remember - those days I was a student in London - the amount of criticisms that that Act was facing, but eventually, everybody realised that it was a good move. And Tony Blair, in his manifesto for his first election, he said: "education, education and education". Why? Because he knew that those polytechnics that were transferred into universities, their degrees were equally valid as established universities and their graduates were more favourably considered by employers to be employed than established universities.

Now, coming to the textbooks' business, everybody knows that in any Educational Institute we have got the Academic Board and then we have got other managerial aspects of that university. So, who is in charge if the audit bureau criticised the publication of the textbook? It is not the Board of examiners of the MIE which is responsible for publishing textbooks, it is a different department. If ever there is any incompetence in that department, then that is a matter for the administrative aspect of the University, of the Institute to take them to task. But don't blame those who are responsible to assess students and to decide whether a student would be awarded a degree or not. Now, can we say MIE is a success story? Of course, we can! I stand here with pride to say: "Yes, MIE is a success story". Why? Members of my family have been to MIE and graduated and today they are now teaching. In my Constituency, I know of a number of teachers who have graduated at the MIE and are teaching. In my Constituency, I know people of poor background who have been to MIE; they have graduated and went abroad making their career and making their living. Am I going to say that MIE today is not a success story? No! That would be wrong.

Mr Deputy Speaker, Sir, we have also other amendments that have been brought. We have, for example, Section (10) of the Principal Act which deals with the Council - I am going to be very quick so that I can conclude. It is normal and appropriate that subsection (g) has been repealed and replaced by representative of the Private Secondary Education

Authority because there is no more economic planning in Mauritius. So, this part is in anyway *caduc*, as we say in French.

In relation to the academic Board, quite properly, subsection 2 of section 11 is proposed to be repealed and there is subsection 3 where the award of degrees, diplomas and certificates, the word ‘degree’ has been inserted so as to give power to the council to award degrees. Subsection 4 paragraph (d) repealed and replaced by two representatives of Tertiary Education Institute.

Every time when we get these kinds of clauses, we tend to get criticisms. Why representatives from the Ministry? Is he independent or is he not independent? Does that mean that I have not seen any piece of legislation? When the MMM was in power, when the *Parti travailliste* was in power, when they put these kinds of clauses, then it is independent, when we put these kinds of clause, then we are not independent! So, it is wrong to say these kinds of things in this House.

Mr Deputy Speaker, Sir, I have made my point. I am going to say this in conclusion, when criticisms were addressed, who is going to exercise control, quality assurance? Let me remind everybody in the House that we have the Tertiary Education Commission in this country. Let me read from the website of the Tertiary Education Commission which I have pulled up on my tablet. It says the following –

“The Tertiary Education Commission has, as objects, to promote, plan, develop and coordinate post-secondary education in Mauritius and to implement an overarching regulatory framework to achieve high international quality. It also has responsibility to allocate government funds to the Tertiary Education Institutions under its purview and to ensure accountability and optimum use of resources.”

Accountability and optimum use of resources!

Mr Deputy Speaker, Sir, when we look at the Budget Speech 2016, we owe it to the then Minister of Finance and Economic Development and we owe it to the current Prime Minister and Minister of Finance.

*(Interruptions)*

Who is still the Minister of Finance and Economic Development. Look at what he said in relation to education at paragraph 239 of the Budget Speech –

“Madam Speaker, I now come to Education which has been and will continue to be the foundation of our success as a nation.”

And I am not going to read any further from this. I only want to highlight –

“(...) now come to Education which has been and will continue to be the foundation of our success as a nation.”

And this piece of legislation demonstrates that the foundation of the success of our nation, as a grown up nation in the field of education, has already kick-started and that we are grown up to such an extent that our children tomorrow will be able to go to the Mauritius Institute of Education and obtain a degree and we owe these kinds of development in our country to our children who are growing up for tomorrow.

Thank you.

**The Deputy Speaker:** Hon. Mrs Boygah!

(11.17 p.m.)

**Mrs D. Boygah (Second Member for Vieux Grand Port & Rose Belle):** Thank you, Mr Deputy Speaker, Sir. At the very outset, let me congratulate the hon. Minister of Education and Human Resources, Tertiary Education and Scientific Research for bringing this amendment Bill on MIE to the House to upgrade the MIE into a degree awarding institute which was not so previously.

Mr Deputy Speaker, Sir, this Government has been assigned the mission of bringing changes in many spheres which are of national concern. The education sector is one of those fields which needed a complete *remise à jour*, Mr Deputy Speaker, Sir. One of the major steps taken to bring in a comprehensive change in our education sector is the introduction of the much awaited Nine-Year Schooling which is not done in *catimini*, as stated by hon. Baloomoody. The CPE, *cauchemar pour enfants*, is dead and well buried, Mr Deputy Speaker, Sir. But this is one aspect of the reform.

Many institutions under the aegis of the Ministry of Education will undoubtedly need to readjust themselves with the ongoing process of change. The legal frame, in which such institution operates, needs to be reviewed in order to be in line with these changes.

Mr Deputy Speaker, Sir, founded in the 1973, the MIE was entrusted with the responsibility for teachers’ training of secondary schools, educators, curriculum development and research, as stated by all the hon. Members of this Assembly, who have spoken before

me. It assumes full responsibility for all training programmes for the primary sector in the early 1980s and for the pre-primary sector a decade later which is very much later.

In 2010, the MIE was given the entire responsibility for curriculum development, development of textbooks and teaching materials as well as digitalisation of the curriculum as well stated.

Mr Deputy Speaker, Sir, the MIE is a major education institution which plays a preponderant role in providing teachers with training and has till now contributed positively in the education sector at large, will it be at the primary level, pre-primary level and the secondary level.

We, Members of this National Assembly, are products of those teachers trained by the famous MIE institution as well stated by hon. Rutnah. We, ourselves, have relatives, parents. I, myself, have my in-laws who have been trained and today, they have been very well placed in different institutions with a diploma from the MIE upgraded to a degree course.

The world recognises and applauds our dexterity in mastering English and French, this is with the help of the MIE. To keep up with this trend and with the introduction of more subjects as from the primary school level, our teachers will be needing more appropriate training to stay in line with the revolution, which is in March in this vital sector, Mr Deputy Speaker, Sir.

The actual MIE Act, Mr Deputy Speaker, Sir, which regulates the Mauritius Institute of Education dates back to 1973. With so many changes presently being introduced in our education sector, it is obvious that the MIE needs to upgrade itself in order to provide teachers with appropriate training in new fields of education. Teaching staff is a major component of education and, of course, therefore, cannot afford to lag behind, Deputy Speaker, Sir. Teachers need more than certificates and diplomas to meet with the legitimate aspirations of the demanding public for a more efficient education system.

The MIE, Mr Deputy Speaker, Sir, has till now restricted itself into awarding only certificates and diplomas and these certificates and diplomas have made it a delay in awarding degrees to students. It was dependent on the University of Mauritius for the award and conferring of degrees. Henceforth, with the present amendment, the MIE will become a full-fledged Tertiary Education Institution. It will empower to run a panoply of new courses leading to a degree. Teachers will thus have the opportunity to upgrade themselves with new pedagogies in the context of the reform in the education sector. Mr Deputy Speaker, Sir, the

MIE will not shut its door though for a collaboration with other Tertiary Education Institution such as the University of Mauritius.

Section 6 (a) of the proposed MIE Act, Mr Deputy Speaker, Sir, provides the MIE to award degrees, I quote –

“award degrees, diplomas and certificates, whether on its own or jointly, with any tertiary education institution.”

Mr Deputy Speaker, Sir, it is with great sadness that I have to say that we have recently witnessed political motivated interventions of some Members of the National Assembly. I do not want to pinpoint anybody, but I hope that whenever we have the issue of education brought at the National Assembly, all will contribute positively to the debate, but I don't think it is like that till now.

Education is the only element which will enhance the quality of our human resources, Mr Deputy Speaker, Sir. Total women emancipation depends on the quality of education given to the folk women, Mr Deputy Speaker, Sir. In fact, when a woman succeeds, the whole society benefits and this comes from the great late Abdul Kalam. The abolition of the rat race in star schools comes to an end and along this, the ill of private tuition. Mr Deputy Speaker, Sir, it is bound to diminish until its complete demise. It will be up to the parents, mainly the mother, to monitor the education of their children.

M. le président, je vois dans ces amendements apportés au *MIE Act*, une volonté réelle du gouvernement de cerner tous les problèmes et d'y apporter des remèdes. Tous les paramètres sont minutieusement étudiés. La réforme de notre système d'éducation est une opportunité aux femmes de se positionner à l'égalité dans la famille. J'invite les mamans à s'intéresser au nouveau sujet fraîchement introduit afin d'apporter leur contribution à l'éducation de leurs enfants.

I am most agreeable to the amendment, Mr Deputy Speaker, Sir, with regard to the composition of the Academic Board of the MIE. As stated, the Board will now comprise two representatives of tertiary institution instead of three representatives from the University of Mauritius. The inclusion of a representative from the Private Secondary School Education Authority instead of one from the Ministry of Economic Planning and Development is more appropriate and welcome.

I will not be long, Mr Deputy Speaker, Sir, but to end up, I wish to inform this House that this Government has understood the legitimate aspiration of the parents for a better

education of their offspring. To end up, the MIE (Amendment) Bill goes in line in this direction. Undoubtedly, Mr Deputy Speaker, Sir, we are all embarked to live up to the trust of the population which has been laid on us. One very sad thing that I have noted from the speech of hon. Baloomoody is when it comes to the recognition, as very well stated by hon. Rutnah, of the degree courses. A certificate, a diploma or a degree is not just a piece of paper, it is the education system, the pedagogy that is learnt and transmitted to our children in the Mauritian society. If certificates and diplomas are recognised in countries like Australia and Canada, why not our degrees? Our degrees are not just a piece of paper but very well recognised as it is from the University of Mauritius or the UTM or any other universities.

With these words, I fully support the amendment to this Bill and I wish to congratulate again the hon. Minister of Education.

Thank you, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Ramful!

(11.27 p.m.)

**Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien):** Mr Deputy Speaker, Sir, I am not going to answer to my good friend hon. Rutnah because he has made a long discourse about education except from talking about the Bill. He has been criticising the Labour Party and if I am going to talk about the contribution of the Labour Party in the field of education then we will not finish today. I might start with free education, with the setting up of the University of Mauritius and all that...

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Ramful:** So, we will not be finishing today. Let me go to the amendment that is being proposed...

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Ramful:** We all in the House, Mr Deputy Speaker, Sir, want the best education for our children. Parents strive very hard so that their children get the best education and it is the duty and responsibility of Government, of the State, through the educators in our schools and colleges that our children are imparted with the right and proper knowledge. This cannot



be done save and except if we have the proper mechanism that has been set up so that our educators get the proper pedagogical training and the right academic knowledge.

I do not doubt the good intention of the Minister. I will not say that we are making a step backward but I will definitely say that we are deviating from the objective with these amendments and I will say why. My friends, hon. Rutnah and hon. Baloomoody made reference to excerpts of the intervention when the MIE Bill was passed. I also will refer to the same part that they referred to. We have to understand when the MIE was set up, there was a reason why MIE was kept under the aegis of the Ministry of Education separate from the University of Mauritius and this is reflected in what the mover of the Bill at that time said and I will repeat it –

“The Institute, in fact, primarily answers the needs of the Ministry in respect of pre-primary, primary and secondary education whereas the University of Mauritius deals mainly with higher and further education in development fields. This is why it was found preferable to set up the Institute not as a school of the University but as a separate institution, a corporate body under the general supervision of the Ministry of Education(...)”

What are we doing with this amendment today? We are now giving the responsibility of awarding a degree to the MIE. So, we are changing the function of the MIE. This is why this question should be debated. Is the MIE - as it is under the control of Government, with all the representatives of Government sitting on the Board - the proper body to award a degree? We owe it to about 5000 to 6000 educators especially those from the primary sector because with this amendment the educators from the primary sector will be allowed to take degree courses that will lead to Bachelors in Education. They are entitled to know whether MIE is the appropriate body to give such degrees. The parents sitting at home are entitled to know whether those educators would be given the right pedagogical training and the right knowledge that would eventually be imparted to their kids.

Now let us see, the Minister made reference to the quality audit report that was conducted by the Tertiary Education Commission.

*(Interruptions)*

Yes, that was in 2013. So, the hon. Minister was right, it was recommended in the report that the MIE becomes a degree awarding body. But in what context? What changes should be brought to the MIE? Let me highlight those changes. I am reading from the report –

“The position of MIE as an arm of Government providing teacher education and related services is now unusual internationally although not historically unusual as many autonomous teacher education providers started in a similar position to that of MIE. The Panel noted that many stakeholders such as staff unions are content with, or even actively favour, the relationship between MIE and MOEHR as they appear to see this as providing an avenue to bring influence to bear on MIE or the Mauritian school system more generally.”

This is what they say and I am highlighting this, very important –

“This close relationship is not in itself undesirable, but it carries dangers for academic freedom and the autonomy of operations that are the hallmark of higher education institutions if the controlling authority does not provide enough flexibility to management in how the institution is managed.”

So, you see this report conducted by the Ministry of Education itself, is saying that the MIE should have its autonomy. This is what they say. They also propose that amendments be brought to the Act. What was suggested? What kind of amendments should be brought? The panel believes that the current review of the Act needs to take careful account of the principle that clearly distinguishes management functions from those of academic governance to lay down sound foundations of operation of the MIE in the immediate and longer terms. It would be highly desirable for the new legislation to take account of international trends and also the relationship with local partner universities to ensure that the MIE is put on a sound footing for its future development as a higher education institution.

Now, let us look at the international trend. Before I come to the international trend, I am going to refer to Singapore, leading references in the field of education - Singapore, Finland and the UK - in a minute. But let me say it right from the outset, Mr Deputy Speaker, Sir, that I am all for giving our educators, especially the primary educators - as they are called now - the opportunities to pursue higher studies. Not only primary educators, if we refer to Finland and Singapore, pre-primary educators should obtain a Master's degree in Early Childhood Learning before they are eligible for the jobs in pre-primary schools. I am all for this. My question is: is the MIE the appropriate body to grant the award degree? This is my problem. When we look at the international trend, - let me refer to Singapore - there is what they call the National Institute of Education. It is an autonomous Institute and it is part of a University which is independent, the Nanyang Technological University. There is no

Government control. That Institute is responsible for training and it provides academic knowledge to the educators in Singapore. You know what, Mr Deputy Speaker, Sir? This institute is ranked 10<sup>th</sup> in the world and 2<sup>nd</sup> in Asia by the QS World University Rankings in the subject of education in 2015. The same would apply in the UK. My learned friend, hon. Baloomoody, made reference to UCL. There are also other universities like Brighton, Reading, Stoke and they are independent universities providing education to educators in those countries.

Now, why do we need this autonomy? It is simple because when the awarding body is independent, when it is autonomous, when it is self-regulated, then it earns respect and recognition. So, after what I have heard, I have doubts as to whether the degree that is going to be awarded by the MIE is going to be internationally recognised or not. Because I am told that with the diploma that is being offered, this is not recognised internationally and to get a place in international universities to pursue further studies, apparently this is not recognised. I wish to be enlightened on this.

*(Interruptions)*

**The Deputy Speaker:** Order!

**Mr Ramful:** Now, let me also refer to the independence of the institution. I would like to make an analogy with how the University of Mauritius works, what are the mechanisms that are in place at the University of Mauritius which ensure the autonomy of the University of Mauritius. When we look at the statute, Mr Deputy Speaker, Sir, which provides for the Council of the University of Mauritius, the Council consists of the Pro-Chancellor as Chairperson, the Vice-Chancellor, the Dean of Faculty, elected representatives of the academic staff of the University, elected representatives of the non-academic staff of the University and elected representatives of the students of the University. All these persons form the Council and the Council manages the University. When you look at the body which is responsible for awarding the degrees, diplomas etc., that is, the Senate, the Senate consists of the Vice-Chancellor, the Dean of Faculties and the members who are also composed of the Director of Quality Assurance. The Director of Quality Assurance also sits in the Senate. My friend, hon. Baloomoody, was talking about quality assurance.

I will come to the composition of the Board of the MIE in a minute. Three full professors elected university-wise, three members from professional commercial and industrial sectors. When we look at the composition of the Senate, we see the autonomy of

the Senate. We see the experience of the people sitting in the Senate. There is transparency in the election of the members sitting in the Senate, but when we make a comparison with the MIE, what do we see? I am referring here to the Academic Board. The Academic Board shall consist of the Director who shall be the Chairperson of the Academic Board - and the director is appointed by the Prime Minister – and such representatives of the staff of the Institute as may be appointed by the Council. The Council is composed of representatives of different Ministries. Government control it. That Council would appoint the representatives of the staff, the librarian and two representatives of the University of Mauritius. Now, we are doing away ...

*(Interruptions)*

Yes, there is an amendment. Let me come to this amendment. There is a problem with this amendment. We have many tertiary education institutions. There are four of them. One will be eligible to form part of the Board. Who is going to elect that one person? Nothing is provided in the Bill? Who is going to elect? Is it going to be the Minister? Is it going to be the Tertiary Education Commission? There is a problem about the election. Let us look at the amendment. So, what is being proposed in Clause 6, paragraph (c) -

“(c) in subsection (4), by repealing paragraph (d) and replacing it by the following paragraph –

(d) 2 representatives of tertiary education institutions;”

So, we are doing away with the two representatives of the University of Mauritius and we are replacing it by two representatives of the tertiary education institutions. There are four tertiary education institutions. How are they going to be elected? This is my question. It is not provided in the amendment. Is it going to be the Minister? Is it going to be the tertiary education institutions themselves? I will wait for the answer of the Minister.

As you can see, when we look at the composition of the academic Board which is going to be responsible for awarding the degree, we see that there is a lack of people having the necessary experience. We don't see the Director of Quality Assurance. So, it is mainly controlled by Government. This is why I say Mr Deputy Speaker, Sir, that there are doubts about the independence of that body and doubts about the degree that the body will be awarding.

There is one last aspect which I would wish the Minister to enlighten the educators especially those from the primary sector because with this amendment, I am right to say that

there are about 4,000 to 5,000 primary educators who would be entitled to follow courses up to degree level.

Now, there is the Manraj's Errors and Omission Report which provides for the alignment of primary educators who have obtained diplomas to the secondary educators' diplomas. Are the primary educators, with a degree in B.Ed., salaries also going to be aligned with the secondary educators? I don't know. Shall we wait for the PRB? This is another issue. I think I have been to the point. I have not made discourse about education. I have raised my qualms, my concerns. I would wish to have the answers of the Minister on this issue.

Thank you, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Rampertab

(11.49 p.m.)

**Mr R. Rampertab (Second Member for Flacq & Bon Accueil):** Mr Deputy Speaker, Sir, let me start by congratulating the Minister of Education and Human Resources, Tertiary Education and Scientific Research for coming up with this legislation. It was indeed long overdue. The reforms in education that the present Government has initiated, namely, the nine-year schooling have a strong focus on quality education and overall development of every child.

The current reforms ensure that there are no push outs from our system. No other Government could achieve that. That is why we have to empower our educators. It was a real tragedy to know that every year around 25% of a cohort of children failed at CPE level. They are pushed out of the mainstream. Thanks to the reform of the present Government, the learners will have the opportunity to progress further and in a far better environment. Clearly Mauritius has won the battle of providing access to education to every child in the Republic of Mauritius.

Therefore, the focus should now be on winning the battle or providing quality education at all levels. Quality education cannot exist without quality teachers. I hereby express my sincere gratitude towards the nearly 6,000 primary school educators and 8,400 secondary school educators who are working hard every day. We need to give them the opportunities to upgrade their qualifications. The quality of teachers and the continuing professional education and training remain central to the achievement of quality education. Therefore, it is important that the MIE be given the powers to award degrees. This will help

the vast majority of the primary school educators holding a diploma to acquire degree and why not a Master's degree.

Most of the educators working at secondary school level have a degree in their respective field. They will have an opportunity to acquire additional qualification in pedagogy. Learning to teach is vital, Mr Deputy Speaker, Sir. For instance, someone may be very good in maths, but may not be always be in a position to transmit the knowledge to others. Teaching goes beyond writing formulae and texts on the whiteboard, Mr Deputy Speaker, Sir. Teaching must help our children to develop the creative and critical thinking, inclination and capacity, the socio-emotional intelligence and cross cultural sensitivity and intercultural competences. It must also help them discover what interests them; what picks their curiosity and what skill they will want to learn and master.

Therefore, educators must be empowered so that they can help our children to learn how to learn. Learning to learn is vital else all techniques such as rote learning will continue to persist. Therefore, MIE and its staff should be given the necessary tools and powers that will enable them to empower our educators. And this legislation will definitely help in doing so.

Mr Deputy Speaker, Sir, assessment and evaluation is another field where advanced training is required. Both formative and summative assessment strategies must be learned. In this era of technology, the strategies are evolving. MIE will have the opportunity to embed such strategies in their courses.

Mr Deputy Speaker, Sir, in several cases there is an over obsession of grades and outcomes rather than that of the process of learning. This runs counter to the intent of what we seek to achieve. In other words teachers must find the balance between what can be measured such as grades and what can only be observed such as values and character. As Einstein once said –

“Not everything that can be counted counts and not everything that counts can be counted.”

Mr Deputy Speaker, Sir, one of the vital questions to ask is why we need this proposed legislation, why MIE cannot continue as it has been since 1973. MIE is already providing B.Ed., M.Ed. and doctoral programmes. So, why do we need this legislation? The answer is clear, Mr Deputy Speaker, Sir. This legislation provides the powers that MIE was lacking in designing its courses. Currently, MIE has to abide by the rules and regulations of

the institutions awarding the degrees. Unfortunately, the awarding institutions do not often offer qualifications in education themselves.

Courses in education, Mr Deputy Speaker, Sir, have their own specificities. MIE has to surrender to the whims and caprices of other partners. For instance, there are many modules in the Bachelor of Education Degree and the Master's in Education Programme that are assessed by other means such as portfolios rather than paper-based examinations. MIE should have the flexibility to design the most suitable assessment strategies for its courses.

This legislation also aims at empowering our educators who have the critical responsibility of sustaining the development of our nation through the development of every child. Educators will have to continue to mould our students as Mauritians and not to assume that it is an identity that is formed at birth. Educators are the best people to explain to our children what it means to be a Mauritian and why every child must contribute significantly in fashioning a vibrant Republic of Mauritius.

The authentic sense of attachment to Mauritius will definitely help shape young minds in powerful ways. Unfortunately, such topics of citizenship education cannot be offered as a subject. It must be embedded in the curriculum. MIE should, therefore, have the flexibility to design its curriculum at levels, including at degree level. In this context, Mr Deputy Speaker, Sir, those who do not have Master's Degree can acquire it.

In fact, according to Statistics Mauritius, in the year 2016, 70%, that is, 5,824 out of 8,354 of teaching staff at secondary school level had a first degree, while only 1,149 out of 8,354 had a postgraduate qualification, that is, only 14%. Mr Deputy Speaker, Sir, why should we encourage the educators to have higher qualifications? First of all, the teaching and learning processes are evolving rapidly. The advancement in technology is fuelling this evolution. Therefore, all the educators need to have higher qualifications and learn new teaching methods.

Moreover, Mr Deputy Speaker, Sir, it is good to compare with Finland, which is recognised as having one of the best education systems in the world. In fact, according to the Finnish National Agency for Education, teachers in Finland are highly trained. In general education, all teachers must have a Master's Degree. In vocational education, teachers should have at least a Bachelor's Degree. Members of the teaching and guidance staff within day-care centres generally possess a Bachelor's Degree; even pre-primary teachers in schools hold a Master's Degree. Guidance Counsellors in basic and upper secondary education and

training have a Master's Degree in Guidance Counselling studies. Special needs teachers hold a Master's Degree, with special pedagogy as the main subject or a teaching qualification, including Special Needs Teachers Studies. Teachers at polytechnics are required to have either a Master's or a postgraduate *licence*, degree, depending on their position. They must also complete pedagogical studies. At most levels of the education, teachers are required to participate in in-service training every year. So, the Finnish system, Mr Deputy Speaker, Sir, provides one of the effective formulas to have the best education system and highly qualified teachers. Therefore, Mr Deputy Speaker, Sir, MIE should be given the necessary powers to our degrees and other related qualifications. Thus, MIE will have the flexibility of integrating teacher training and pedagogical training integrated into a Master's Programme.

Mauritius can, in fact, become an important provider of teacher training in this part of the world. MIE can partner with institutions like the Open University of Mauritius to offer teacher training in the region through distance education and e-learning. Mauritius, Mr Deputy Speaker, Sir, has the potential of training the educators of the countries in our region. Africa itself lacks millions of well-trained educators. Sustainable Development Goal 4 cannot be achieved without a substantial increase in qualified teachers.

According to the UNESCO Institute of Statistics, to achieve universal primary education by 2030, the demand for teachers is expected to rise to 25.8 million, and one of the top priorities of UNESCO remains teacher recruitment, training and retention. UNESCO presents teachers as the single most influential and powerful force for equity, access and quality in education.

Mr Deputy Speaker Sir, the world today needs well-trained teachers. The current reforms in education will surely transform our education system in one of the best ones in our region, and this legislation can play a pivotal role in making Mauritius a teacher-training hub in the region. Recently, at the World Education Forum in 2015, commonly referred to as the Incheon Declaration, UNESCO, together with 160 countries, including Mauritius, which was present, agreed to "ensure that teachers and educators are empowered, adequately recruited, well-trained, professionally qualified, motivated and supported within well-resourced, efficient and effectively governed systems." Therefore, Mr Deputy Speaker, Sir, we are bound to provide an efficient and effective system in which our teachers and educators can be empowered. This legislation, indeed, helps to achieve this.



What will the next 50 years be like and for what kind of future will we have to prepare our students? How to ensure that Mauritius reaches greater heights in the globalised world connected tightly by technology, economic, cultural and people exchanges?

Mr Deputy Speaker Sir, next year, we will be celebrating the 50 years of Independence of our country. This also means that we will be embarking on the next 50 years of our journey in building a nation. Undoubtedly, educators will continue to play a vital role in shaping our national destiny. As in the past decades, the human factor will be decisive in the future decades, especially for a country that is not endowed with rich national resources. If we want high quality human capital to shape a vibrant nation, then we need to prepare for it today. This means building a highly qualified pool of educators. A competent and resourceful educator base will contribute to have exceptional students; will contribute meaningfully to make Mauritius economically vibrant and relevant, safe and secure.

The proposed amendment will surely make the quality of our teachers as well as learning and teaching process exceptional. It will provide up-to-date training to teachers so as to empower them to design the best learning environments and learning experiences. Finally, Mr Deputy Speaker, Sir, this legislation does not debar other providers from offering qualification in the field of education.

Let me conclude by saying that educators and quality teaching influence the destiny of individuals, families, communities and the nation. It is a complex and important profession. Therefore, we should spare no effort in giving them the best training and professional development opportunities. Teaching is also the ultimate learning profession. With continuous professional development, educators become a running stream of fresh water that nurtures and grows everything around them. If we want our educators to continue to learn and pass on the love of learning to our children, we must give the necessary powers, the best environment to those who teach our educators how to teach.

Finally, Mr Deputy Speaker, Sir, I would say that we, Mauritians, are a hungry education nation and I am sure not many people realise that about 96% of the population are literate. It is our duty as legislators to empower our institution such as the MIE, the University of Mauritius, the UTM, so that they can provide the best education to our next generation who will replace us here, in this august Assembly and probably do better than some of us here.

Thank you very much.

**The Deputy Speaker:** Hon. Mrs Monty!

**Mrs M. C. Monty (Third Member for Port Louis North & Montagne Longue):**

Mr Deputy Speaker, Sir, I wish first of all to thank you for allowing me to intervene on this Bill, and I also want to congratulate the hon. Minister of Education for this present Bill as it comes at the right time to answer to a long awaited need.

In fact, Mr Deputy Speaker, Sir, when the Mauritius Institute of Education was setup in 1973, it was then itself a laudable enterprise as its main aim was to provide training to all those joining the teaching profession and also to teachers already in the sector, but lacking training in pedagogy, thus the MIE has been offering training on a full-time basis and on a part-time basis, and also has been offering pre-service and in-service courses to teachers at both primary and secondary levels.

Mr Deputy Speaker, Sir, during its long existence, now 44 years, the MIE has proved to be *le berceau de la formation* for so many people who constitute the wide community of teachers at all levels, be it at pre-primary, primary and secondary level.

However, Mr Deputy Speaker, Sir, it is good to put into perspective the history of the Mauritius Institute of Education, mostly known as the MIE, since its opening in 1973, when State colleges, known at that time to be junior secondary schools, now known as State secondary schools were literally filled by the MIE diploma holders, while many of them who were also employed in Seychelles or Zimbabwe in the early 80's with only a teacher's diploma as qualification.

A fact, Mr Deputy Speaker, Sir, which sheds light on the quality of training offered by the MIE since its early years of existence. So to mention, Mr Deputy Speaker, Sir, that the system has proved over years that quality teaching was strictly adhered to and that continuous measures have been taken over years to enhance quality in terms of training, research and teaching. And credit, Mr Deputy Speaker, Sir, goes to all those pedagogues who have taken up the challenges of the early and later days of that institution and who have strived hard to maintain all standards of quality teaching.

It has to be mentioned also, Mr Deputy Speaker, Sir that all the steps made during this long walk have been rendered possible by people of vision, of mission, of commitment and of passion for the teaching profession. And to all those pedagogues, all employees of the MIE, credit goes to them. And I call them *les chevaliers du possible*.

A tous les enseignants de la république de Maurice qui ont reçu une formation du MIE et qui, à travers leur noble métier, ont produit des générations de gens ayant réussi en tant que personnes humaines et en tant que professionnels, bravo! Qu'ils ne soient surtout pas blessés par les propos de l'honorable Baloomoody car ils n'ont pas produit d'échec. Qu'il soit rappelé, M. le président, que les formateurs du MIE, les enseignants formés par le MIE ne sont pas responsables du taux d'échec au niveau du CPE, les échecs doivent être attribués à d'autres facteurs. Aucun enfant de l'île Maurice, M. le président, n'est un échec.

M. le président, que tous les diplômés du MIE soient fiers de leurs formations et aussi de leurs formateurs. Bref, qu'ils soient fiers de l'institut de pédagogie et qu'il renvoie aux calendes grecques les propos d'un honorable membre de l'Assemblée qui méprise la formation locale et par extension ses compatriotes et ses propres mandants. Quel regard, M. le président, sur Maurice et sur le potentiel des fils et des filles de ce sol !

Les pages de Facebook doivent sûrement pleuvoir de commentaires dans ce sens, mais l'histoire retiendra le mépris, les propos méprisants envers ceux qui sont formés à l'île Maurice et envers la formation qui est octroyée à l'île Maurice par l'institut de pédagogie.

Mr Deputy Speaker, Sir, this Bill comes at a time when the educational tapestry is weaved with so many tertiary educations, other than the two pioneer ones of our learned island, namely the University of Mauritius and the Mauritius Institute of Education. It was high time then for the MIE to stop having to make recommendations to the University of Mauritius for awarding or countering degrees or use moderators from other institutions to further its objectives, as specified in section 6 of the precedent Act.

The MIE, Mr Deputy Speaker, Sir, had to be given its full autonomy and this is precisely what this present amendment comes to bring. This Government, Mr Deputy Speaker, Sir, in its vision of providing the best possible *encadrement* for training, has understood that it is vital to keep moving in a steady and purposive way, and through its Minister of Education comes to bring another solid human resource pace in the educational field by providing the lacking tool to an institution, which needed that key to open more doors and explore more avenues of development and progress. However, the MIE, as a new degree awarding institution, having to meet the challenges of a fast changing society, will have to put in appropriate mechanisms to ensure that its students benefit from world-class education and training.

Mr Deputy Speaker, Sir, the mandate of the MIE, as per its Act, is to provide facilities for and to engage in educational research, curriculum development and teacher education. The MIE span of service is one of accompaniment in the educational field from the initial basic training to more opportunities of advancement and progress. In this endeavour, it provides continuous development programmes to all educators fully engaged in training and also in leadership positions.

*(Interruptions)*

**The Deputy Speaker:** Hon. Armance! Please continue!

**Mrs Monty:** And even to inspectorate cadre in the primary and secondary sectors. So far, Mr Deputy Speaker, Sir, the MIE has trained 50,447 teachers among whom the number of B.Ed., meaning Bachelor of Education holders amounts to 1,184. I repeat, Mr Deputy Speaker, Sir, 50,447 duly trained diplomats, 50,447 successes and not failures as has advanced the hon. Member of this House earlier.

Toutefois, M. le président, pour mieux mettre en lumière l'importance de la décision de la ministre à apporter cet amendement de loi de 1973, permettez-moi de rappeler en quelques mots les limites d'un texte de loi ayant entraîné dans son sillage suffisamment de perte d'argent et de temps. Le rôle et l'importance des cours pédagogiques rattachés au domaine de spécialisation permettent aux jeunes gradués d'être suffisamment formés pédagogiquement.

Cependant, nombreux sont les jeunes gradués qui auraient reçu l'admiration de l'honorable Baloomoody brillant de leur formation académique et qui rejoignent le secteur éducatif et qui sombrent aussi bien souvent pédagogiquement en milieu scolaire car n'ayant pas les outils pédagogiques nécessaires pour comprendre la psychologie de l'enfant, la sociologie de l'éducation, voire même comment interagir en classe et maintenir la discipline et, de ce fait, gênant le processus même d'apprentissage au lieu de le faciliter. D'où, M. le président, le besoin urgent d'avoir une formation adéquate pour tous ceux voulant servir dans le domaine éducatif.

Faut-il rappeler que dans le passé le *Teacher's Diploma* requérait trois années d'études à temps partiel pour ceux déjà dans le service et deux années additionnelles pour obtenir un B.Ed., *Bachelor of Education*, dont les cours sont dispensés par le MIE mais pour lesquels le diplôme est octroyé par l'université de Maurice. N'est-ce pas une aberration, M. le président ? Pour dire qu'il est grand temps de corriger cette anomalie.

Pour continuer, M. le président, permettez-moi de citer James Burge qui dit –

“Probably the greatest challenge to making manpower effective is determining the type and timing of the programme that can best contribute to change.”

Mr Deputy Speaker, Sir, the amendment of the MIE Act of 1973 is a very good decision of the Minister. A step which should have been taken long before but, fortunately, happening now before it is too late. But, Mr Deputy Speaker, Sir, to highlight the importance of that decision, an important aspect has to be mentioned. It is the considerable cost that has been incurred over years for payment to external bodies just for the award of degrees to students who themselves have been under the educational responsibility of the MIE. This limited power of the MIE is now being waived and it must be highlighted also that unnecessary loss of funds for huge amounts paid to external bodies could now be redirected towards investment in adequate documentation conducive to proper training of students for their degrees.

Mr Deputy Speaker, Sir, those who have been students at the MIE, will recall the limits of a poorly equipped library which should now be realigned so as to respond to the needs of its present development and challenges and also to its new status as a degree-oriented institution. However, if training of students should be the priority, the academic staff also should be properly resourced so as to meet the challenges of a fast changing world.

Mr Deputy Speaker, Sir, if reinvestment of funds in educational resources and documentation is important, alignment to new trends and development cannot be missed. It should also be remembered, Mr Deputy Speaker, Sir, that a set of quality control mechanism and an effective monitoring system should also be set up so that on a comparability basis, the MIE also meets the required standards as a new degree-oriented institution.

So to say, Mr Deputy Speaker, Sir, the Mauritius Institute of Education Bill comes at a time when the MIE could no longer exist as an institution limited only to the award of diplomas and certificates. It was high time to correct that state of things as far as the educational span of service is concerned.

On this avenue of newness, Mr Deputy Speaker, Sir, the MIE will have to broaden its fields of study, give equal opportunities to the youth of Mauritius and also to more mature students. It will also have to increase its capacity intake to bring important structural improvements to provide more flexible modes of studies, including in-house and distance education, even more flexible hours of attendance for example, set up training and capacity-

building programmes as well. In short, Mr Deputy Speaker, Sir, within this new scope of action, the MIE should see that both trainers and trainees are well-equipped to face the challenges of globalisation and that standards are set according to international levels.

Mr Deputy Speaker, Sir, if education is the key to unlock the golden door of freedom, as rightly said by George Washington Carver, then this amendment is bringing the unlocking tool to open the doors of new possibilities of training, teaching and research. It will also offer a wide array of choice to prospective students and learning outcomes for a healthy and blossoming educational world. And, here, Mr Deputy Speaker, Sir, I join Chancellor Linda Katehi in saying that –

“When it comes to being an architect of change, I don’t know of a new more effective blueprint than education.”

To conclude, Mr Deputy Speaker, Sir, I wish that this new gate opens for the MIE a long avenue of growth and success in its precious contribution towards making of Mauritius the intelligent island of the region. On these words, Mr Deputy Speaker, Sir, I wish to leave the floor and thank you.

*(Interruptions)*

**The Deputy Speaker:** The sitting is suspended for 10 minutes.

*At 00.18 a.m., the sitting was suspended.*

*On resuming at 00.44 a.m. with Madam Speaker in the Chair.*

**Madam Speaker:** Please be seated! Hon. Ramano!

### **PRIVILEGE OF THE ASSEMBLY**

#### **NATIONAL ASSEMBLY – PICTURE TAKING**

**Mr Mohamed:** I am sorry to interrupt Madam Speaker! I have a point of privilege that I would like to raise and it is extremely urgent! And with your permission, may I proceed and explain what it is? Thank you.

I have come together with my friends of the Opposition across photographs that have been taken unlawfully within this Assembly by Member of the Government, using mobile apparatus, shared on the Facebook page of hon. Hurreeram which he shared with hon. Jhugroo, which he has shared with hon. Toussaint and they have kept on sharing it with hon. Sinatambou, with hon. Members of Government.

*(Interruptions)*

**Madam Speaker:** I am on my feet!

*(Interruptions)*

I am on my feet!

*(Interruptions)*

Hon. Sinatambou! Please give way! Allow him to finish his point of order then you will raise yours.

*(Interruptions)*

**Mr Mohamed:** Yes I am! I am!

*(Interruptions)*

**Madam Speaker:** Then you will time yourself! I will give you!

**Mr Mohamed:** Maybe he can take it up later on in his press conference but I have here clearly, we have all consulted it, the Facebook page where all the Facebook pages where this photograph taken against the rules of coverage Madam Speaker, where no Member has the right to take photographs without your permission Madam Speaker in this August Assembly and has worse not even got the right to even upload it online, on a page and to share it with other Members of this Assembly belonging to Government. If this is not a matter of urgent privilege, it is a contempt of National Assembly privilege, then I find this, I find no words to qualify how serious this is. If we cannot even comply with elementary rules of procedure, rules of coverage, this is a blatant violation of privilege!

**Madam Speaker:** Yes Hon. Sinatambou!

**Mr Sinatambou:** Madam Speaker, I understand that the hon. Member is raising this point by virtue of Standing Order 74. Now, under Standing Order 74, if he wishes to raise a privilege complaint, he has to give written notice to the House, to the Speaker in writing. Secondly, the hon. Member has quoted my name as being one of - I don't who - how many people who have been sharing something on...

*(Interruptions)*

Well I have no knowledge! I have not been using Facebook on my telephone. So I do not know how he can just make allegations regarding me. But, in any event, from a reading of Standing Order 74 Rule 1, he has to give written notice of this matter to you.

**Madam Speaker:** I take both points of order. I have to enquire into the circumstances in which all these happened and I will need time to do this. You will appreciate that, at this late hour, it is not possible for me to enquire into the circumstances and give a ruling. So, I will come with a ruling at some later stage. We may now, therefore, proceed with...

**Mr Mohamed:** Madam, I understand the predicament if your permission, if this is looked into and postponed at a later stage, then we are giving time to hon. Members in this Assembly to delete the evidence! And the evidence is right now here! We can go to your Chamber and I will show it to you. And you can have the telephone seized!

**Madam Speaker:** No! Please sit down hon. Mohamed! Please sit down! Now you should understand that I need to enquire! You have already raised this point! I know how I have to proceed so that whatever you have said is not deleted or action is not taken on the other side. Right? But I need time to enquire because it is a serious matter and I have to enquire into the circumstances before I give a ruling on this matter. So I will come with a ruling on this matter at a later stage!

**Mr A. Duval:** Madam Speaker, if I may just add to this. You will see in Section 74(3), there is provision for urgency. In this matter, they are flouting the privilege of this Assembly. I recommend Madam Speaker, if you could perhaps consider, that the sitting be suspended for another 10 minutes, the evidence is here and there is right here contempt of the Assembly!

*(Interruptions)*

**Madam Speaker:** No...

**Mr A. Duval:** Madam Speaker, the privileges ...

*(Interruptions)*

Madam Speaker ...

**Madam Speaker:** Please, sit down! I have already given my ruling on this. If really you want to take up this matter under section 74, then it says that -



“(1) a Member who wishes to raise a privilege complaint shall give written notice (...)”

I am not taking notice of section 74(1). The hon. Member has raised a point of order and I have already given my ruling. Usually, I should not have left it to other Members to come after I have given a ruling, but in consonance with democratic principles, I have allowed the hon. Member to make his point. So, I had already said that I will come back with a ruling after I have enquired into all the circumstances.

So, we may now proceed with the Mauritius Institute of Education (Amendment) Bill. Hon. Ramano, you have the floor!

(00.56)

**Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes):** Madame la présidente, il est vrai de dire que l’objectif principal du *Mauritius Institute of Education (Amendment) Bill (No. II of 2017)* est *to upgrade* le MIE *into a degree awarding institution*. Il est vrai aussi de dire que cela a créé une certaine effervescence au niveau du syndicat, des enseignants du primaire qui voient là une légitimation de leur revendication pour un alignement de salaires avec les enseignants du secondaire. Il y va aussi d’un changement de regard sur ces enseignants car nous avons besoin des enseignants formés et qualifiés à tous les échelons. Un enseignant du primaire doit être qualifié pour enseigner jusqu’aux *Grade seven, eight or nine*.

Mais il faut se rendre aussi à l’évidence, Madame la présidente, que l’implication du présent *Bill* engendre toute une série de changements dans le *mindset*, dans la philosophie primaire du MIE et du ministère de l’Education. Il y va de l’autonomie même du MIE.

Madam Speaker, the MIE was created in 1973 in the immediate aftermath of independence movements. Its aim was to professionalise the teaching corps, develop curriculum for schools and carry out researches in education. Today, in 2017, the decision is proposed to this Assembly to attribute to it degree awarding powers. This is long overdue because the MIE has been servicing degree awarding courses for more than two decades.

Let us consider what should have been the rationale for amendment to the Act. This Bill is an opportunity to look beyond the degree awarding status and consider what reform is needed to develop a more efficacious structure for teachers’ professional development. It is an indisputable fact that the success of any educational reform depends on the quality of teachers. Will a change in the status of the MIE be sufficient to bring about any new

philosophy and structure for teachers' education? More importantly, Madam Speaker, a country is as strong as its institutions if education is to take us forward to the next phase of our development.

It is critical for us to ensure that institutions of higher learning are rendered independent, enjoy some degree of financial autonomy to achieve the goals and are equipped with the required manpower to discharge their duties to the nation. MIE has performed well within the constraints imposed by our context, but we now need to consider very seriously how it is to be equipped by means of this Act to fulfil our aspirations as a nation and to find its place in the international landscape of higher education.

Let us consider the MIE and Ministry relationship. Currently, the MIE falls under the jurisdiction of the Ministry of Education as any other public institutions of higher learning, but it is a parastatal body. This arrangement promotes national objectives by ensuring coherence in curricular policy and implementation by teachers. It is my understanding when I read the various reports on education that the Ministry of Education continuously draws from the expertise of MIE staff for policy setting as well as the pedagogical and technical aspects of the school curriculum. The Quality Audit Report, page 26, comments –

“The position of MIE as an arm of Government, providing teachers' education and related services is now unusual internationally although not historically unusual as many autonomous teachers, education providers started in a similar position to that of MIE.”

The panel noted that many stakeholders such as staff unions are content with or even actively favour the relationship between MIE and the Ministry of Education as they appear to see this as providing an avenue to bring influence to bear on MIE or the Mauritian school system more generally. This close relationship is not in itself undesirable, but it carries dangers for academic freedom and the autonomy of operations that are the hallmarks of higher education institutions if the controlling authority does not provide enough flexibility to management, in how the institution is managed.

This relationship has served the Ministry of Education well, but whether this has served the MIE to maintain its independence and autonomy is another question. The MIE was set up as a parastatal body, not as a Department of the Ministry of Education primarily, for it to maintain both an academic and a technical role. Its academic identity is absolutely central to its function for teachers' preparation as confirmed by the experience of educationally

successful countries like Finland where a teacher preparation for any level involves a Master's degree earned at Universities. The Quality Audit Reports of 2007 and 2013 - but what have we observed over the years at MIE? An increasing shift of responsibilities shouldered by the Ministry over to MIE to the extent that the usual core business of the Institute which is to ensure international benchmark teacher education programmes and quality teachers education outcomes has been taken over by policy implementation, issues which are meant to be shouldered by the technical arm of the Ministry of Education. The two external Quality Audit Reports of MIE, produced by my foreign experts in quality assurance in higher education institutions, converge to this conclusion –

“Academic staff at MIE are overworked and their basic function as teachers education is often compromised when the institutional exigencies which emanate from the Ministry of Education are levied on them with very short deadlines.”

Writing of textbooks is one. This function was imposed by a Ministerial letter on MIE in 2010. The institution proposes the setting up of a structure to accommodate this function which was never considered and neither was there a budget for this.

I cite here the Quality Audit Report of 2013, at page 5, which states -

“The Panel met with many staff members who are highly committed to achieve the mandate of the institution. However, the priorities and work load of the academic staff have to be carefully managed as it was found that with substantial time dedicated to curriculum development on behalf of MOEHR (within tight deadlines) there is great risk of compromising the quality of curriculum materials and relegating teaching to a secondary role.”

We are tempted to ask the Why question, but the answer is self-evident, MIE is currently chaired by the SCE of the Ministry and this is not the only instance of the SCE to fulfil this function. This is an unnatural state of affairs and totally detrimental to the Independence and autonomy which should characterised the functioning of parastatal bodies. The number of ministerial representatives on its council outnumber by far academics and staff representatives, which is currently only too apart from the Director. The original provision of the 1973 was five, but this was brought down later on.

MIE should be seen to and function as an academic institution. Its structure is academic, but its council cannot be currently considered as having the ideal configuration of

members which should have the vision and independence to lead an academic institution. The quality Audit Report of 2013 state and I quote –

“The Panel is of view that, in line with international best practices in academic governance, and pending proposed changes in the MIE Act 1978, a redefinition of the terms of reference of Council would give MIE improved capacity to achieve its mission. An eventual change in membership of Council to include independent members, with the co-opting of experts on a needs basis, is required if MIE is to implement good governance.”

I therefore propose that Members of this Assembly to take a bold decision that will serve for the profit of the teaching profession by revisiting the composition of its council to reduce the number of representatives from the Ministry of Education which is currently at three to one and to increase the number of representatives from two to four. More so, the representatives from other Ministries must be reduced to accommodate more representatives from the education sector, possibly one with international expertise in higher education.

This is in the light of the report by international experts commissioned by the TEC. Second, academic leadership is critical to ensure fitness for purpose of MIE. I refer again to the quality Audit’s Reports, but they are independent and scientific and were commissioned by the Tertiary Education Commission. The first Audit Report at page 3 recommends –

“The Panel recommends that MIE reviews its responsibilities, functioning and composition of policy making bodies such as the Council and the Academic Board to ensure their pro-active role in guiding the institution.”

Both audits reiterate the point that the current constitution of the academic Board cannot fulfil its academic leadership role because its external members do not have the expertise to advise the Institute with respect to its functioning. It states and I quote –

“External representation should be limited to members who can contribute to academic decisions and policy, for example, UOM representation could be maintained as long as there is an academic partnership in place.”

Since the MIE assumed again curriculum development functions in 2010, its related activities and outcomes have remained outside the purview of the academic Board which must be in a position to co-opt members with a required expertise whether locally or abroad to advise the Institute. Because MIE is a longest standing public institution, it must guard against the tendency of being self-referential particularly in matters of curriculum

development. The Act can be amended to compromise only of academics and a senior administrative officer as the Registrar. These academics should be primarily from the institutions with two external members from institutions with which the MIE has an on-going academic partnership.

I am of the opinion that the act must offer the academic Board the opportunity to co-opt members especially from the International Community of Scholars to ensure that standards and practices are adequately benchmarked. To end, Madam Speaker allow me to read page 28 of the Quality Audit Report –

“The 1973 legislation specifies Council membership categories which means Council is dominated by Government department nominations with the current Chair being from the parent Government department and, inexplicably, in an acting capacity since 2005;

There are no explicit terms of reference for the Council nor was there evidence that the Council had evaluated its own performance as a governing body or undergone governance training at any point;

There is no evidence of an effective committee structure to provide expertise and advice to assist the Council to discharge its responsibilities”.

The Panel concluded that this is not a satisfactory situation particularly if the intention of the MOEHR is for MIE to be further empowered and granted authority to award degrees. There needs to be consideration in the redrafted Act to ensure that MIE has an independent Council in line with international practices in governance of academic institutions which are empowered to act without fear or favour in the best interests of the institution as an institution. This would not preclude representation of Government departments on Council, but the balance should be towards independent appointees from outside both MIE and Government and with an independent Chair. Moves to reconstitute Council membership should also take account of the international trend in corporate governance to invite members on the basis of their expertise so that Council has the benefit of specialist advice in areas such as law, academia and finance. Emergent stakeholder groups should also be considered such as parent groups including representation from Rodrigues in consideration of its new legislative position. In addition, there needs to be consideration of a committee structure to provide specialist input and advice to Council’s deliberations.

Madam Speaker, the terms of reference for a reconstituted Council need to acknowledge that it has the responsibility to oversee the MIE in terms of both management and academic functions drawing on two sources of advice: the Director, for overall management of MIE and the Academic Board in relation to academic matters through the Chair of the Academic Committee either with a written report or in person. The Panel appreciated that the introduction of new legislation and potential reconstitution of the Council may take some time, but considered that it was necessary to introduce clarity into the current open-ended arrangements to ensure governance practices prevail at MIE.

With these words, Madam Speaker, I thank you.

**Madam Speaker:** Hon. Fowdar!

(01.14 a.m.)

**Mr S. Fowdar (Third Member for Grand’Baie & Poudre d’Or):** Thank you, Madam Speaker. Madam Speaker, I will try not to repeat what my other friends have already mentioned in this House. Madam Speaker, I have no doubt that the hon. Minister means well. I have no doubt that she wants to do well for our children, and I am sure that we all join her in her endeavour to provide the best education for our children.

I was a little bit surprised today, Madam Speaker, that the issue of education is creating so much disagreement among the hon. Members of both sides of the House. Education is an issue, I think, where all of us need to come to consensus because it concerns the career, the future of our children.

Madam Speaker, today, we are called upon to vote for a few small amendments to be brought to the MIE Act, and one of those small amendments is a small amendment with big effects and big consequences. It is the one which concerns giving powers to MIE to award degrees. I consider this to be a very sensible and very important amendment. It is the practice, as in many other countries, that Parliament decides, gives statutory powers to the institutions to award degrees. Well, it is the practice here as well. We have to go through the Parliament. But, Madam Speaker, are we all experts in education in this House? Are we all experts in pedagogy in this House? Certainly not! A few, maybe! And we are taking a decision today to give powers to the MIE and we don’t have the knowledge. We don’t know on what basis we are going to decide to give the MIE this power. Certainly, we are relying on the Ministry of Education. Certainly, we rely on the work carried out by the hon. Minister, and we rely on her, the comforts she is giving to us. Based on that, we are going to vote for this amendment.

Madam Speaker, the MIE is not an ordinary institution. It is the one and the only one institution which caters for teachers' education. So, it is not only a graduate degree which can be used to find jobs. Here, the degree will be used to teach our children and to teach our children for the future, for their career; to prepare them to face the world of work; to prepare them to face the future. Therefore, it is really very important that care must be given to it, full consideration must be given to it, and that we have to cross all the processes very legitimately, so that the best education is provided to them. So, degrees awarded here are really important and the degrees are meant to multiply, because the teachers trained by MIE will be training our students, our children, and they, in turn, will be degree holders in the future. So, here we are talking of degrees in multiplication to happen after the degrees are being awarded by the MIE. Madam Speaker, it is obvious that the trainer needs to have the right training, the correct training, so that they give the right training to our children.

We must ensure that the right qualifications and skills are given to the teachers who will educate our children and youngsters. And here, Madam Speaker, we don't have the right to make any mistake, because the quality of education given to teachers will consequentially reflect, will impact on the quality of the manpower in general in this country. This is why, Madam Speaker, I consider this small amendment to be extremely important.

As I said earlier, Madam Speaker, we would rely on the parent Ministry, the hon. Minister of Education and Human Resources, Tertiary Education and Scientific Research while taking a decision today to vote or not for the amendment. Now, this amendment, as I said, will have a direct bearing on the future of our children and also on the economy of our country. We need to have formal procedures, Madam Speaker. This is a little bit on what I have got doubts. Do we have formal set procedures to test these institutions, not only the MIE, but any other institutions to be given powers to award degrees? Do we have set procedures, guidelines that would be used to grant powers to the institutions? I think there need to be rigorous tests and audits before we do so.

I did some research work before coming here, Madam Speaker. I very discreetly spoke to a few senior staff of the Tertiary Education Commission (TEC) because I wanted to know what sort of methodology they have used, if they have advised the Ministry, to assess whether the MIE is ready to give degrees. I also wanted to know from them whether they really recommended the Ministry to go ahead. The answer was simply that the decision is not theirs but that of the Ministry. Therefore, it gives me doubt, Madam Speaker. Who has given the green light to the Ministry? Is it the TEC or the Ministry, or is it the panel of

experts, as mentioned by the hon. Minister earlier on? There was a panel of experts who came to Mauritius, international people, and they recommended that MIE be given the powers to award degrees.

Madam Speaker, I listened carefully to hon. Baloomoody. Although I may not totally agree with his speech, one thing that I agree with him is quality assurance. This morning, I read on the papers that the Ministry and TEC are going ahead with quality assurance. Now, 'quality assurance' is the key word here, Madam Speaker. Is the TEC doing the proper and the correct quality assurance? Are they well equipped? Do they have the trained people, the manpower needed for quality assurance? Is the quality assurance in place today giving comfort to people to accept the degrees that are produced by the local institutions?

Madam Speaker, I understand the TEC is the regulator for the tertiary sector and is principally involved in quality assurance. But I do also understand that they do a lot of regulatory work such as they look at buildings, they look at lecturers, they look at courses, they look at quality assurance and what not. They can do all these things at the same time, but they cannot be a jack of all trades, Madam Speaker. There should be no conflict in its role and responsibilities. It is now time to separate their duties and to create separate divisions within the TEC or to create a new institution. The quality assurance issue is a very sensible one. It is high time, Madam Speaker, to set written guidelines, publicised, known to everybody before conferring powers to award degrees. It is high time to create an institution equivalent to the quality assurance agency, the QAA in the UK.

I was also thinking that there is a lot of duplication of what the MQA is doing and what the TEC is doing. Is it not high time to look at these two institutions and see what can be merged from them or emerging straightaway? Anyway, Madam Speaker, when I read the newspapers this morning, I was really comforted because I had a long speech regarding quality assurance and I can see that TEC is going to carry quality assurance very shortly.

Now, why are we giving the power to issue degrees by the MIE? I understand there is a shortage of degree holders in the field of education and something must be done quickly to fill the gap. But, I think also that we should not rush to be producing degrees at the expense of quality. Are we awarding powers to the MIE today because the teachers and the lecturers need a degree or is it because the MIE is now ready and competent and well-structured to award degrees. Now, hopefully, Madam Speaker, the latter should be correct.



Madam Speaker, the services sector in Mauritius - and I think Mrs Monty has mentioned that - is a very promising and it is becoming an important pillar of the economy, if not, the most important pillar of the economy. We have got sincere aims to turn Mauritius into a knowledge economy. We would be selling our know-how, we would be selling our brains, the ability of our people and, therefore, the quality of our graduates is extremely important. They must be of international standard and ready to compete with international graduates. Our degrees must be internationally recognised and our graduates should be prepared to become employable on the international front and this is how we would make the services sector an important pillar of the economy.

The increase in the number of educational institution is a very good sign, Madam Speaker, but we must ensure that it is not at the detriment of quality. I think we must pay more emphasis on quality rather than quantity. The quality and standard of our graduates are very much more important than the quantity. The power to award degrees is an important issue and cannot be taken *à la légère*.

Madam Speaker, I have no doubt that the Ministry has done their work and, today, we rely on them and we vote for this amendment. However, in the recent past, in the same House, Madam Speaker, the power to award degrees was conferred to few private institutions and I can say that the graduates, from one or two of these institutions, are facing much problem in getting their employers to recognise and to give importance to their degrees.

Recently, one of my mandates came to see me with a degree from one of these institutions and she was getting a lot of problems to get a potential employer to accept her degree and the potential employer was none other than the PSSA, Madam Speaker. Now, this institution was conferred power to award degree by this House and is accredited by the TEC, still the degree is not recognised. This is what is happening, Madam Speaker. Now, let us imagine, if the PSSA, a Government-owned body refuses to accept these degrees, what is happening to job application letters that are received by employers. I am certainly sure that they are being thrown in the bin, Madam Speaker, before they are being looked at. So, it is very important that that people have confidence in the degree that we are producing locally. It is a fact, Madam Speaker, that some employers are still looking down at the degrees produced by the local institutions.

Now, what will happen on the international level if the local employers are unwilling to trust our own degrees? Is it not time to review the whole tertiary sector, review the role of

each player, create an environment that will fuel confidence in everybody; the employers must be given the comfort that the process of accreditation, the process of audits, academic reviews and quality assurance are rigorous and they are carried out by experts who make no concession whatsoever regard to quality.

The other point I wanted to raise, Madam Speaker, is the amendment makes mention of degrees, but does it imply Bachelor degrees, Master degrees and doctorates? Is it all three or is it phase-wise? Are we going to allow them to do all these three or are we going to allow them to start with the Bachelor degrees in the first instance?

The other point, Madam Speaker, is I wanted to raise the same point raised by hon. Ramano, it is about the composition of the Council and Academic Board. I think it is time to review both the Council and the Academic Board. It has to compensate with the upgrading of the MIE. The MIE is going to be awarding degrees, so the Council and the Academic Board need to be stronger, need to have strong academics, professors, not lecturers, and highly qualified people.

Madam Speaker, I also agree with hon. Ramano that the Senior Executive of the Ministry of Education should not be chairing the Board of the MIE, that would be conflicting. We need to leave MIE independent, leave them on their own, but we need to see what they are doing.

Now the other thing I have not be able to understand is why the Chairperson of the PSC is sitting in the Council of the MIE. What is the link? If she sits in the MIE, then she should be sitting in all the educational institutions. So, why she is there? Maybe the Minister can enlighten the House about it.

Madam Speaker, to end, I want to confirm that I am not against the decision of granting power, of awarding degree to the MIE. The issue for me is not the MIE. The issue for me is the process used to grant such powers. It is not only in the MIE, it is for all the institutions where this issue will be raised.

What I want to see, Madam Speaker, is that our degrees, our qualifications are powerful, are accepted, are recognised locally, internationally and this can only happen, Madam Speaker, through confidence and our confidence can only arise if there is rigorous, quality assurance, checks, audits, academic reviews; they must be strong, they must give confidence when the employer gets a degree from any of these institutions, they would be comforted that they are good degrees, which is not the case now, Madam Speaker, not only

for the private institutions, but even for the public ones. Some employers are reluctantly accepting the degrees produced by these institutions.

Madam Speaker, I trust the Minister. I know the Minister is coming with the Further Education Bill and she is also coming with reforms within the tertiary sector. As I said, we all care for our children. I, too, care for my children, my grandchildren or whatever, and we want to have an education system, a tertiary sector which is strong, which gives confidence to employers, to people and which would give our children a better future, Madam Speaker.

I thank you.

**Madam Speaker:** Hon. Ms Sewocksingh.

(1.34 a.m.)

**Ms M. Sewocksingh (Third Member for Curepipe & Midlands):** Thank you, Madam Speaker. Madam Speaker, we have in front of us a Bill, the main object of which is to provide for the upgrading of the Mauritius Institute of Education so that this institution may become an institution which can now award degrees.

Madam Speaker, I am of the same school that says that the MIE is a body which has made its proof and we can proudly say that today it has lived to the expectation of a respected nation, which has built its reputation of the importance of education.

Madam Speaker, education is the gateway to success. Any proposal, recommendation or motion is always welcomed.

This having said, let us come directly to the crux of the matter. The MIE today is an institution which runs courses at different levels, we heard it a lot. It caters for training of trainees for pre-primary, primary and secondary and even for certain specific cases for post-graduation and degrees with the help and collaboration of certain tertiary education institutions in Mauritius or abroad, for example, the University of Brighton which the hon. Minister mentioned.

However, Madam, till now, the MIE does not award degrees. It can only award diplomas and certificates, including the PGCE, that is, the Postgraduate Certificate of Education. As regards the award of degrees, this does not exist and is not allowed by the existing provisions of the Mauritius Institute of Education Act. This is well spelt out in section 6 of the Act at paragraph (b) subsections 1, 2 and 3 which are being repealed and replaced.

In fact, the MIE Act provides for the MIE to make recommendations to the University of Mauritius for the award and conforming of degrees. This means that the University of Mauritius is the awarding body and it is not the MIE which however organises and runs the courses and takes care of the assessment.

The MIE, despite being a well-structured, competent and efficient institution, has not been, until now, in a position to award degrees. As we say, better late than never! It is a matter of prestige for the MIE to be a degree awarding institution. It will be more cost efficient. It will help to promote MIE as a competent teachers' training institution in this part of the world. But, we have heard it and I think hon. Baloomoody said it, how far will it be recognised.

However, if this is materialising now and could not be done earlier, there must have been certain reasons. Indeed, who says the Mauritius Institute of Education degree awarding body also says MIE a tertiary educational institution which means that the MIE should give all the assurance. We have heard that, Madam Speaker, a lot of time while debating about the quality assurance within its existing structure. It has all the necessary bodies which actually exist in universities which allow sufficient leeway and due monitoring and control to make of the institution a respected one worthy of the confidence placed in it by the various stakeholders of tertiary education.

You will recall, Madam Speaker, in the case of most universities awarding degrees, the basic structure, that is, you have the board of exams, the school board, the quality control and then you have the academic and senate council. My question is: how does the MIE, the Mauritius Institute of Education fit in this type of structure which is a must to become a degree awarding institution? We are told that insofar as this academic infrastructure is concerned, the MIE does have a good system, especially for awarding certificates and diplomas, but will it be sufficient enough for awarding degrees?

The MIE is now just starting in a new venture. It cannot and should not be taken for granted. We have heard it a lot tonight. It will have to tread very cautiously on this new path, take all necessary precautions and make sure that it has the collaboration of other well-known tertiary education institutions. Yes, Madam Speaker, I put emphasis on well-known duly registered tertiary education institutions. This is where I condemn the lavishness in the amendment proposed at clause 4 of the Bill which amends section 6, subsection (2) (b) of the Act mentioning that the functions of the Institute shall be to, and I quote –

“award degrees, diplomas and certificates, whether on its own or jointly, with any tertiary education institution.”

This, Madam Speaker, means that it will work in collaboration with any other tertiary education institution. Madam Speaker, the hon. Minister has mentioned a list while giving her speech, but I suggest in this new clause to be more precise, that is, we have to be more explicit and worthy by adding the word ‘recognised’ before ‘tertiary education institution’ to make it read ‘with any recognised tertiary education institution’.

Madam Speaker, here, I have another concern. I think hon. Ramful also mentioned it - it is about the academic council, it is about section 11 where we shall remove the ‘representatives of the University of Mauritius’ and replace it by ‘2 members from recognised tertiary institutions’. So, my question is, Madam Speaker: who will appoint these two people and how will these two people be recruited?

Madam Speaker, I must highlight now the case of the primary educational subsector which, since the creation of the Teacher Training School at the start, has given the *lettre de noblesse* to this institution which has now grown to become what it is and soon be equivalent to a university. Indeed, Madam Speaker, I consider that the most important and fundamental part in teachers training is mainly at the level of primary and pre-primary sectors. I think hon. Fowdar just mentioned what I am going to say in detail.

If the training is well conducted for teachers with all the parameters, with all the legislations to become true leaders, mentors, then more than half of the battle is won. The schoolchildren on this phase of their *apprentissage* will get the best of what holistic education can offer to them and emerge on the path as the true responsible patriots or citizens, thus causing education to become easier to impart.

Madam Speaker, a primary school teacher is a role model. *Ils sont des accompagnateurs de l'enfant* where he imparts knowledge, wisdom as well as skills and life values to those who aspire to be the best citizens in the world. The well prepared primary school child definitely eases the work of the secondary school teacher by providing him with the best elements at an age usually 11 to 12 when the child starts into the period of puberty to be followed by the personality development in the course of adolescence. This is why I take this opportunity to lay stress on the need of providing the best pay – we have not spoken till now about the remuneration of the teachers who will take care of the school children.

Madam Speaker, they have to be remunerated accordingly. These teachers must be strong and fully versed with the experience of psychologists and they must have some devoted and committed personality to observe anomalies which are usually observed at a later stage of life.

It is a fact and it can be understood that degrees more than diplomas, certificates are more of a concern of the training of secondary school educators, Master of Arts education, for example. Now that the MIE will be in a legal position to deliver degrees, it should be the responsibility of the Institute with the collaboration of the TEC and also other tertiary institutions abroad as well as those international bodies dealing with education such as UNESCO or the Commonwealth to arrange for such courses that may lead to degrees adapted to education of the primary education sector and even to the pre-primary sector, why not.

Much can be said on the importance of this sector in the educational system, Madam Speaker, not only in Mauritius, but for any educational system in the world. We have had many examples this evening. Suffice is not to say that, but we do say it will always be a fact that the basis of education system lies in the strength and best organisation of these two sectors, that is, for the child between the age of three when he joins the system till the age of 10 when he is ready to join secondary level.

Today with the coming into play of the Nine-Year Basic Continuous Schooling, the age 10 to 11 will be shifted to 13/14 by englobing lower secondary, if I may. Never mind, Madam Speaker, my reasoning will still be the same. My point is to stress on that period of life from 3 to 13 years which is the most important in moulding the personality of the individual when the child grows gradually and passes through the different phases of infancy. All these important periods can put a lot of stress in the child's brain, that is why we need competent people who have the quality. This is my point. This is where we need the quality degree.

*(Interruptions)*

We need the best of what we are giving into these degrees, Madam Speaker.

For all these reasons, we are talking about the holistic development, maybe this is what some Members of the other side cannot understand at this time of the night. I am talking about the holistic approach.

*(Interruptions)*

I said it clearly on this side of the House. My point is the holistic approach. MIE is going to be a degree awarding institution. Very good! We have heard a lot, we have debated, but what is more important, Madam Speaker, is, at the end of the day, the child must be the winner. It is the holistic approach of the child which is going to be taken into consideration. The academic part proposes to impart knowledge while the extra curriculum part proposes to impart life skills and values to the child. I hope, Madam Speaker, that the hon. Minister, while putting it in the modules, will definitely take it on board. Shouldn't the Mauritius Institute of Education, even if it is already doing it, pursue with more insight and go still further in their researches? We have heard a lot about it - researches that are carried out across the world to further improve the knowledge of the educators themselves through the degrees they prepare, so that they may become enough experienced to communicate and impart their own knowledge to those for whom they have the responsibility to transform into the best citizens of the world.

Madam Speaker, before ending, I wish to draw the attention of the House that whatever the system may provide as training to our educators, whatever upgrading we may add to the MIE to raise the status of our education through the best training - this is what I mean - the expected results of enhancing the education standards in our country and making the best of our next-generation may not and never be achieved if we do not remedy other weaknesses that lie in the system especially in the regard to the youngest as I have mentioned.

I have in mind the modernisation of infrastructures, the improvement of amenities and the follow-up of children outside school. That is, when they are in the presence of society. The award of degrees implying the best training available and yielding the high-calibre teachers is one thing, but, Madam Speaker, how will this work, for example, if the system does that make sure that the child is really benefiting. It is only when we remedy these weaknesses that the MIE is going to have this very well legal awarding degree institution.

Before I end, Madam Speaker, one important word I would like all of us to retain tonight.

*(Interruptions)*

Well, I am concluding. It is the word meritocracy. It is a very simple word. Let meritocracy be the keyword at all levels while conducting the degrees at the MIE. There should not be any

kind of interference – I am not going to go into details – as we have seen a lot in other universities and let the MIE be a fully independent awarded institution.

Thank you, Madam Speaker.

**Madam Speaker:** Mrs Dookun-Luchoomun!

(01.51 a.m.)

**Mrs Dookun-Luchoomun:** Madam Speaker, I wish, first of all, to thank all the hon. Members from both sides of the House who have contributed to the debate on this important Bill. I have also taken good note of the favourable response to the proposed amendment made to the Act, at least, on this side of House.

Madam Speaker, I would like to respond to some of the queries and apprehensions of Members on the other side of the House and let me start with hon. Baloomoody. Hon. Baloomoody seems to be worried about the fact that including in the Council of the MIE another tertiary institution would mean excluding University of Mauritius. This is not the case, Madam Speaker. What, in fact, we are doing is that, initially, we had two representatives of the University of Mauritius on the MIE Council. We are now proposing that, since the MIE works with other institutions as well, we would rather have two representatives from two different TEIs. When I talk about the TEIs, we are talking about TEIs as per the TEC Act and as per TEC Act Schedule which refers to the Public Tertiary Institutions. So, they are recognised tertiary institutions and on the MIE Council apart from the representatives of the University of Mauritius we shall also have a representative of another Tertiary Education Institution found in the Schedule of the TEC Act.

Furthermore, when we talk about the tertiary education institution that will be on the Council, it will be important to mention that the MIE Council acts independently and has a number of members on the Council which includes the academics of the MIE. Furthermore, it is almost the same and comparable to the Council of the University of Mauritius when nine members are also appointed by the Prime Minister and three of whom are from the public bodies. So, we are not moving very much away from the normal set up of University Councils.

I have also noted that hon. Baloomoody is very worried about quality assurance. Let me state that the Tertiary Education Commission carries out quality audits in each and every tertiary institution of the island. The next audit for the MIE is scheduled for next year. Now, the audits that are carried out have panels coming from international tertiary institutions. The



last audit made had professors from the University of Sydney, Australia, professors from the Lesotho *Polytechnique* and professors from India as well. So, we do have a proper Quality Assurance Unit. However, I would like to stress that, with the coming of the Higher Education Bill, we are going to have an additional quality assurance agency which would be an arm of the TEC, but this will be something to come.

Now, the hon. Member talked about the role of the MIE and the way the MIE had been carrying out its training courses for teachers. Let me add that the MIE has, as to date, trained more than 50,000 educators in the island. We must not forget that at a time when teachers did not have the qualifications required, they were even referred to as uncertificated teachers. The MIE carried out a very important role of upgrading their qualifications. And today, we can be proud in saying that we no longer have uncertificated teachers. They are all qualified teachers and the MIE has done a big job. I must say that we need to commend the MIE for the work that has been done over the years.

One thing more, I have heard hon. Members state and query about the autonomy of the MIE. Let me say that for more than 44 years, the MIE has been giving diplomas, postgraduate certificates, and lately along with the University of Mauritius, B.Ed. degrees and Masters in Education degrees. The MIE has been working in a totally independent and autonomous manner. I don't think we can lift a finger or say that there has been any form of interference on the part of the Ministry in the work of the MIE. I believe that if there is an institution in Mauritius where we have absolutely no problem in the recognition of qualifications, it is certainly the MIE. Today, all our teachers, from pre-primary to the secondary sector in the schools, have undergone training at the MIE. It is only recently that the University of Middlesex and the UTM are providing certain courses at pre-primary level in their institutions.

Madam Speaker, talking about the academic Council of the MIE, the MIE presently has got 103 lecturers out of which 30 are PhD holders, 23 are currently doing their PhD and 71 lecturers with their Master's degree. And I think that the MIE has sufficient academics for it to run the courses. I must also say that if today we are giving the MIE the degree awarding status, we must not forget that the MIE is already running the B.Ed. courses. All the assessments and evaluations are being done by the MIE. The only thing that the UOM is doing is awarding the degree because the MIE does not have this power today. With this Bill, we are giving the MIE this possibility.

Now, I have already mentioned that the University of Mauritius, the academics from there will still remain on the board, so we have no problem on that. The MIE will continue to function this way. One of the hon. Members mentioned the presence of the Chairman of the PSC as a Council member. I see no problem in that. The PSC is the main recruiting body in the island, and I think that the presence of the Chairperson will enable an understanding of the training programmes and facilities. The processing of the schemes of services and recruitment process will thus be facilitated.

I think it was hon. Fowdar who had mentioned that the TEC informed him that it was a decision of the Ministry. Let me inform the House that the Ministry goes by what TEC gives as report. The report of the TEC on the MIE has been correct and we have received written green light agreement by the TEC for the provision of this awarding status to the MIE. Furthermore, talking about quality assurance, as to whether the MIE's degrees would be recognised or whether it will get international recognition, I mentioned in my speech that already Mauritians having diplomas from the MIE, their diplomas are recognised in Canada and Australia and they are also recruited to work in schools over there. So, we have no problem with that. I don't see why now that the MIE will be able to award degrees that it will pose a problem.

I also heard someone saying that students are failing, that the percentage of pass in CPE, SC and HSC was going down and he is putting that on the back of the teachers or on the back of the MIE. I have also heard a representative from the MMM party, in Press conferences, stating, underlying and laying emphasis on the fact that there is a decline in the results of students at SC and HSC level. Let me remind the hon. Member that in spite of the fact that we were in Government together between 2000 and 2005, a decision taken by the then Minister of Education was to take away the pedagogical role of the PSSA at that time and he was hoping to set up, what we call, the national inspectorate. This was never done, Madam Speaker. For more than 10 years, 17 years now, there has been no quality assurance in our private secondary schools. We have been relying on the Quality Assurance Unit of the Ministry to do the work of both the private sector and the public institutions. And we now query and ask questions about the decline in the results of students! Now, this is something I would like to stress that it is only now that we are reinstating pedagogical inspection, that we shall be reinstating pedagogical inspection for the private sector. It is totally incorrect to just put it on the back of teachers or on the back of the MIE, to just mention that the decline in the results of the students is due to the institution rather than to some ill thought decisions.

Madam Speaker, talking about infrastructure, I have heard someone talking about whether the MIE is capable and will be able to fulfil its new obligations. The MIE has got its structure. There is a new building that has been put up. It will be of about 7,000 ft.<sup>2</sup> with 20 more classes there. The MIE has got its Academic Board, I have told you earlier, with so many academics. And just like in the case of the University of Mauritius, the Academic Board of the MIE has got the heads of the different schools at the MIE and they have the representatives from UOM and representatives, now, from another tertiary education institution. So, we must not give the impression that the MIE will not be in a position to deliver. This is not the case. I believe that in a country where degree awarding status has been given to all types of institutions, giving the MIE this status was long overdue.

Madam Speaker, having said that, I would also like to mention that the Academic Board of the MIE works in a systematic and transparent manner and there has never been interference from the Ministry. I believe that the MIE will continue to function in this way and it already has, as I have said earlier, its mechanism of programme validation, its call board, its award committee and its academic committee. So, there is no need to worry on that particular matter.

Madam Speaker, I have heard many hon. Members from that side of the House talking about quality assurance. I would like to state that the Tertiary Education Commission has got this role. Quality assurance, in all our tertiary education institutions, is the functioning, the role of the Tertiary Education Commission and they will continue to do so. As I have said, it is not only the MIE but all the other institutions as well. And with the coming of the High Education Bill, this will be further strengthened.

I also heard hon. Ramano talked about whether the MIE is being given this attribute to fulfil the needs of teachers, educators and lecturers or to ensure that teachers in the primary can teach Grades 7, 8 and 9. This is not at all the case. What we are doing is that we are trying to ensure that all our teachers get the right training, *la formation requise* so that they may deliver better.

Madam Speaker, I just like to add that it is unanimously agreed, in the House, that continuous professional development of teachers and upgrading of teaching qualifications is a necessity for quality education sector. The *parcours* of the MIE since its inception in 1973 speaks through itself. It has proved that it is capable to take on new challenges and is ready and equipped to graduate into a degree awarding institution, whether in terms of human

resource capability or infrastructure and facilities or quality assurance framework, it has all of them. This institutional strengthening is yet another landmark in the education landscape, it creates a win-win situation for all our educators, pupils at large and the MIE and its staff.

Let me add Madam Speaker, if, as mentioned by some of the Members, on the other side of the House, no one before had agreed to do so, I must say that I am proud today to be able to do so for the MIE. The MIE deserved it and it will now have this degree awarding status.

Madam Speaker, I wish to place on record that the contribution of the MIE towards the successful implementation of the Nine-Year Continuous Basic Education has been considerable, whether in terms of elaboration of the National Curriculum Framework (NCF), the writing of textbooks, the training of staff and all the digitilisation of the classroom and teaching materials, MIE has done its job. MIE will continue to play a significant role in pursuing the educational reforms and in the delivery of programmes that will not only allow teachers to upgrade their qualifications, but will also meet the career expectation of the teaching profession.

May I add, Madam Speaker, because someone mentioned that in the Audit Report of 2013, there were certain recommendations made, there were certain, let's say, grey zones noted. But let me say that was in 2013, we are now in 2017 and MIE has followed all the recommendations and has improved the status of affairs within the institution.

Madam Speaker, I would like to highlight that the amendments to be brought to the MIE Act will bring new change to its governance structure. I have said earlier and I am saying it again, the MIE will continue to function in collaboration whenever it decides to do so with other tertiary institutions, the way it is doing it right now with the Brighton University for its PhD courses and someone has also asked whether MIE will start with a Bachelor's course. Obviously, it will start with a Bachelor's course, but it is already working in collaboration with Brighton and other universities for PhD courses.

Moreover, the Institute will pursue its strategic partnership with overseas Universities as far, of course, as development, quality assurance, curriculum development and research are concerned, thereby providing international validation and recognition to its degree programme. It will also continue to be subject to quality assurance procedures as per the Tertiary Education Commission's framework.

Madam Speaker, conferring a degree awarding status to the MIE will be a milestone in the education sector. By ensuring the professionalisation of educators, we are also ensuring that the reform process is well-anchored for an enhanced quality in teaching and learning.

Furthermore, the output of the MIE in terms of graduates and quality of these graduates will expand so that the education sector will be manned by more and more graduates, a trend that already prevails in countries having a good education system.

Madam Speaker, through this Bill, we are not only strengthening and modernising our main teacher training institution, but also investing in our human resource by ensuring their continuous professional development and career advancement.

Madam Speaker, let me say that some of the members mentioned whether there will be a change in their salaries. Let me add that salary structure is determined by the PRB and will be done by the PRB.

Madam Speaker, with these words, I commend the Bill to the House.

*Question put and agreed to.*

*Bill read a second time and committed.*

### **COMMITTEE STAGE**

*(Madam Speaker in the Chair)*

*The Mauritius Institute of Education (Amendment) Bill (No. II of 2017) was considered and agreed to.*

*On the Assembly resuming with Madam Speaker in the Chair, Madam Speaker reported accordingly.*

*Third Reading*

*On motion made and seconded, the Mauritius Institute of Education (Amendment) Bill (No. II of 2017) was read the third time and passed.*

### **THE SHOOTING AND FISHING LEASES (AMENDMENT BILL)**

**(NO. II OF 2017)**

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha) gave notice of his intention not to move the Second Reading and the other stages of the Shooting and Fishing Leases (Amendment Bill) (No. II of 2017) this morning.

**MOTION**

**FINANCIAL SERVICES (EXEMPTION FROM APPROVAL OF  
CONTROLLERS AND BENEFICIAL OWNERS)  
RULES 2017 G.N. NO. 15 OF 2017 - DISALLOWANCE**

**Mr A. Duval (First Member for Curepipe & Midlands):** Madam Speaker, I move for the Motion standing in my name on the Order paper, namely –

*“This Assembly resolves that the Financial Services (Exemption from Approval of Controllers and Beneficial Owners) Rules 2017, published under Government Notice No. 15 of 2017 and laid on the Table of the Assembly on 28 March 2017, be disallowed.”*

Madam Speaker, the purpose of bringing this motion today, is to have some clarifications from Government. There has been a major amendment in the...

*(Interruptions)*

...yes, disallowance, but it is also to give an opportunity to Government to come and explain the reasoning and obviously to disallow.

*(Interruptions)*

**Madam Speaker:** Hon. Duval, please!

**Mr A. Duval:** In any case, Madam Speaker, since the 1980s to 2017, after nearly 40 years of our offshore sector, our financial sector, we had a method of doing things, we had principles of transparency, of protecting our reputation and the credibility of our sector and imposing control on the regulator, the requirement for the control and vetting of all those who invest in our offshore sector.

After nearly 40 years of our offshore sectors since its creation, we are bringing a major change to the role of the FSC and this change is namely Government Notice No. 15 which is entitled –

*“the Financial Services (Exemption from Approval of Controllers and Beneficial Owners) Rules 2017”*

It says at Section 3 of that rule –

“The requirement to seek approval under section 23(1) of the Financial Services Act shall not apply to the issue or the transfer of the type of shares that do not carry voting rights.”

Madam Speaker, when we look at section 23 of the Financial Services Act, Approval of controllers and beneficial owners, we see that, subject to subsection (1A) -

“No shares, or any legal or beneficial interest in a licensee shall be issued or transferred except with the approval of the Commission.”

And under subsection (1A), subsection (1) –

“[...] shall not apply to a transfer of shares or legal or beneficial interest of less than 5% in a licensee unless such a transfer results in a change in control in the licensee [...].”

or

“(B) When there is a change, where there is a transfer of shares or legal or beneficial interest of less than 5% in a licensee, the licensee shall notify the Commission of the transfer.”

Therefore, Madam Speaker, when there is a transfer of shares, when a person is acquiring shares in a company licensed by the FSC, which is greater than 5%, then there has to be an application made to the FSC and there is a process. There is a vetting process, there is a KYC, and there are requirements imposed under the Financial Services Act that have to be respected for the FSC to grant authorisation for the shares to be transferred in the name of the applicant. Where there is a proposed transfer of less than 5%, then there is only a need to notify.

What G.N. 15 is doing is that it waives completely the need to notify or to apply to the FSC for authorisation when it concerns the acquisition of non-voting shares. But there are major implications with this - I will come to it just now. It has to be clear that G.N. 15 waives completely the need to go through the FSC at all to buy shares, whatever the amount of shares, whatever the value of shares. There is no need any more to go to the FSC; there is no need to notify the FSC. So, we are taking the FSC completely out of the picture.

Madam Speaker, as you may know, the financial services sector rely on a two-tier control. There is, first of all, the FSC as the regulator, issuing authorisation to invest, to

become owners, shareholders of companies licensed under it, and then there are the management companies that offer as well additional control. So, it is a two-tier control.

It has been the case since the offshore sector has existed in Mauritius. It is the case in many other jurisdictions, but, today, we are removing absolutely the FSC's control when it comes to non-voting shares.

Madam Speaker, nobody is aware of these changes. Nobody has been made aware of these changes. The changes have taken effect since 19 January 2017, and virtually no one is aware. I have spoken to many people in the offshore sector, the financial services sector, and no one is aware. 100% of all the people to whom I spoke were unaware of the changes. There has been nothing in the press to that effect. There has been virtually no consultation made by the FSC with stakeholders.

The Financial Consultative Council, which is supposedly tasked with exactly doing that, that is, holding consultations with stakeholders, with people in the financial sector to talk about amendments and changes and all this, has not held any meeting to date. It has not held any meeting on that issue or on any other issue, in fact, to date. Therefore, I repeat, nobody is aware.

The Prime Minister, himself, during the PNQ of 04 April 2017 on the Alvaro affair, stated that he was unaware and that he would come back to the House and explain the reasons. This is the opportunity today.

*(Interruptions)*

Well, the hon. Prime Minister can go and check. This is, in fact, his answer to the question of the hon. Leader of the Opposition. When asked about G.N. 15, he said that he was unaware and that he would have to come back and bring this information to the House.

Today is exactly that opportunity for the hon. Prime Minister to come and explain and especially for the Minister Financial Services to come and explain and justify the sudden change, after 40 years of practice, in the methodology of the regulator, in the principle, in fact.

Madam Speaker, I say it again, there is complete secrecy over this. I am not saying that there is an intention. It is in the Notice indeed.

*(Interruptions)*



There is complete secrecy in that nobody has been made aware; nobody that has read the *Gazette*. It seems that no one in the offshore sector has read the Government Notice. Therefore, there has been no consultation...

*(Interruptions)*

**Madam Speaker:** Hon. Members, please!

*(Interruptions)*

**Mr A. Duval:** They can brag all they want! You know, Madam Speaker, they can brag all they want! Its 2:20 hrs in the morning. No one wants to debate this motion at this time, anyway. They can use their time all they want.

*(Interruptions)*

**Madam Speaker:** Hon. Sesungkur, please, do not get excited! I think you are taking the floor afterwards. You will have the time to refute the hon. Member's arguments.

**Mr A. Duval:** Madam Speaker, it is 2:20 hrs in the morning and I will not be long on this. I repeat, the reason for bringing this motion - of course, it is to disallow - is to give an opportunity. We want to know the reasons why this change has taken effect. It might be good, it might be bad, but we do not know. I say it again, there has been no debate on this, no consultations, it seems. Therefore, we need to encourage the debate, and that is intention today.

Now, let us talk about the implications of G.N. 15; what are the implications of waiving the need to go to the FSC, to apply to it to acquire non-voting shares.

First of all, we need to protect the credibility and reputation of our financial jurisdiction at all cost. The success that we have known since its creation is thanks to the reputation and credibility of this sector. In fact, this and the tourism sector are the only two sectors that have, in recent years, constantly shown growth. Thousands of people work in the financial sector and, therefore, it is one of the pillars of the economic sector - the bread and butter of Mauritius. Therefore, preserving its reputation and credibility is of major importance; preserving it and making sure that whoever is investing in the offshore sector in Mauritius is investing with clean money; whoever is investing - I will come to the fit and proper requirement later on - in Mauritius, through the offshore sector, in the financial services sector, are people who would be accepted to invest in other credible jurisdictions like the UK, Singapore, etc. Therefore, there is a need to protect that reputation.

Unfortunately, the implication might be - again, I am saying - that, with regress of control by the FSC, now it is a free-for-all, where anyone can come and invest, there will be no control by the FSC.

Secondly, there is need to ensure the integrity of the persons who own and control shares in companies licensed under the FSC, and that brings me to the fit and proper requirement.

As you know, Madam Speaker, under section 18(2) (e) of the Financial Services Act, Granting of applications, you will find that -

“The Commission shall not grant an application unless it is shown to its satisfaction that -

- (e) the applicant and each of his controllers and beneficial owners are fit and proper persons to carry out the business for which the licence is sought;”

This is the major provision. It has its importance. ‘Fit and proper’ is repeated throughout the Act and you will see at section 20, “matters related to fit and proper requirements” it says –

“In considering whether a person is a fit and proper person the, Commission may have regard to –

- (a) in relation to the person and, where the person is a corporation, the officers and beneficial owners of the corporation –
  - (i) financial standing;
  - (ii) relevant education, qualifications and experience;
  - (iii) ability to perform the relevant functions properly, efficiently, honestly and fairly; and (...)”

Most importantly,

- “(iv) reputation, character, financial integrity and reliability;”

of the person.

Today, by waiving the need to apply to the FSC for approval we are opening the doors to anyone who does not fit that description. Surely, the Government will say that because these people do not have voting rights, therefore, they cannot have a real say in the

company. Well, I think, Madam Speaker, that when you own financial interest in a company then you have significant influence in the company.

Let me give you an example. If a person has 100 ordinary shares worth a thousand rupees in capital and then has an investor brought in who acquires a hundred million rupees of non-voting shares then, logically speaking, the second person will have complete control of the company because without that capital the company will, in fact, no longer exist.

Therefore, I do not find it, if it is the case for the Government to come and say that it is because of the nature of non-voting shares, I do not see it a good argument that these people will not control the company. I say it again: we need to understand that there is this requirement of fit and proper. This gives credibility to our sector. Today we are opening, in fact, the doors for people who do not fit that description with regard to the reputation, financial stability. They are unfit and improper as according to the Financial Services Act they may acquire the bulk of financial interest in any company and, therefore, control it.

What we end up having, is, in fact, increasing the chances of *prête-noms*. In fact, now we are making it so much easier for *prête-noms*. I have explained that when someone holds the bulk of the shares non-voting and gets the bulk of the dividend and then he has a *prête-nom* who holds the voting shares in his name; contrary to the situation before G.N.15, he would have a *prête-nom* who would own all the shares, whether voting or non-voting because that other person not being fit and proper would not even qualify to acquire an interest in the company. Therefore, he would have perhaps less influence on a *prête-nom*.

Today, by being able to invest massively, of course, and acquire non-voting shares you will have more control on the *prête-noms* and I think what we are doing right now is making it so much easier *pour les prête-noms* and this, I think, will have very adverse impact on our reputation. We are providing for a structure, as I said, *les prête-noms*.

Thirdly, Madam Speaker, there is the KYC, the vetting process, the scrutiny process. There will be virtually no KYC now by the FSC for non-voting shares. We have to be clear on the classes of shares that are affected by this. Now there will be no KYC for the non-voting shares, it will be free for all. As you know, KYC looks at the sources of funds we have to show consistency in the building of your wealth. Secondly, it looks at the reputation and on what is intended to do. For example, if a person is intending to invest in investment banking and has the reputation of a major fraudster like we have had perhaps with the suspicions with the Alvaro scandal. We will come to that later. Today, with this, we are allowing people with

virtually no KYC, there will be no notification to the FSC and no need to ask for any permission whatsoever to acquire shares.

Fourthly, Madam Speaker, when we look at other jurisdictions, for example, if we take Jersey, this does not exist in Jersey. It does not exist in other jurisdictions as well and, therefore we need to know why have we here made this possible.

Fifth, Madam Speaker, as the hon. Prime Minister may know, the OECD and the EU are currently reviewing Mauritius on a number of different levels like on the tax rate etc, but also on transparency and on our efficiency in combating money laundering and terrorism financing. I think that with G.N.15 we are, in fact, making it easier for people to come and launder their money. I think this will again have an adverse impact on the report which is being compiled, on the review which is being made at the moment. It is not the time.

The sixth point, Madam Speaker, and this is an important one at a time when the Financial Services Commission has been accused by its own Minister in charge of *légèreté*, at a time when we have seen that there have been lacunas in its control, at a time when we have seen that people of suspicious reputation, *réputation douteuse comme M. Alvaro Sobrinho*; there are others. At a time when we have seen a number of scandals, a number of cases where the FSC has revoked licenses of companies, the Black River Trust for example, and at a time when there are real question marks on the efficiency of the FSC in doing its due diligence, instead of bringing more checks and intensifying the control of the FSC we are doing the complete opposite. Now, we are relaxing the rules. We are inviting one and all to invest in our financial service sector to acquire shares, to become beneficial owners without any requirement to consult the FSC in any way whatsoever, no vetting, no need for approval, no need for notifying the Commission. It is a complete U-turn in my opinion, Madam Speaker, in terms of control, in terms of transparency and in terms of protecting the reputation of our jurisdiction as a clean, transparent financial hub.

Madam Speaker, we want with this motion, first of all, the Government to explain - I will say it once more - why, to justify this decision, to justify G.N.15, to say why there has been no consultations and to say why, after 40 years, we are now changing this. Madam Speaker, I think that we are going right in the face of the global trend with this, that is, to ensure that we have fit and proper people who are involved in our financial sector, a trend to have greater transparency, a trend to, in fact, build on the reputation of the financial services sector of Mauritius.

We are worried, Madam Speaker, every day there seems to be something with the FSC and today is something major and I think that the time is to consolidate and not rush ahead where no fools have gone before. I think, Madam Speaker, that with this we are giving back dual control to people who would not otherwise be able to invest in our financial services sector and it is dangerous and it might be a backward step in the murky depths of the financial hub.

Therefore, Madam Speaker, I would like to invite all Members, Opposition and Government, especially the Prime Minister and the Minister of Financial Services to reply to the issues raised and to explain why this G.N.15 rule has been made.

Thank you.

**Mr Abbas Mamode rose and seconded.**

(2.34 a.m.)

**Madam Speaker:** Hon. Yerrigadoo!

**The Attorney General (Mr R. Yerrigadoo):** Madam Speaker, let me first start by wishing a very good morning to all my friends here in the House. For the reasons I will state very shortly, Madam Speaker, I simply cannot subscribe to the reasons put forward by my learned friend and Counsel, hon. Adrien Duval and I will, therefore, for the reasons I will state very shortly, be moving that this motion simply be defeated. And I will tell the House why.

Madam Speaker, if we look, first of all, at very basic knowledge, the Interpretation and General Clauses Act, the IGCA, the reason that anything is gazetted is precisely to give notice to the world. It is not like that just in Mauritius, but it is like that in so many jurisdictions, and I am sure the hon. Member is aware of that.

If we take G.N. 15 of 2017, Members talking about transparency, the reason precisely it was gazetted and published is because of transparency. Let's look at it first, and that's very important. FSC Rules are made by the Financial Services Commission not by the Minister, by the FSC itself under sections 23(4) and 93 of the FSA. Now, if we look at section 93 of the FSC Rules - and before going further on this, hon. Members are talking about 40 years, now the Financial Services Act was passed by this august National Assembly on 24 July 2007.

*(Interruptions)*

Let me say! 2007! All the provisions the Member is saying in all the ways and manners as the rules are being prescribed, section 18, the hon. Member mentioned which, may I add, has not been amended. Purport of this Rule is section 23 and if the Member looks at section 93 and for the benefit of the Member, it was passed in the National Assembly on 24 July 2007 and it came into force on 28 September 2007. Now, the FSC Rules, the sections by virtue of which this has been gazetted, is section 93 subsection 2 (b) and I am sure the hon. Member would look at that as well.

For measures of transparency, hon. Members of the Opposition are coming time and again, the fourth motion, I believe, of disallowance, is very good because these rules, as I said, under section 93 2 (b), for measures of transparency, such rule, even if they do not require prior approval of the Minister, have to be published so that they are nonetheless subjected to parliamentary scrutiny which we are doing now. This is the normal procedure under section 20 of the IGCA. Now, that a subsidiary enactment may be disallowed by Parliament is an important part of the democratic process because Parliament, through this mechanism, acts as a check on delegated legislation. It is also good to know that our Constitution under section 122 provides for Parliamentary control over - and I will stress - certain subordinate legislation and the power of Parliament, of course, to revoke such subordinate legislation.

While the principle is that a subsidiary enactment gets prior approval of the Minister, there may be exceptions to this when the law expressly provides the contrary, section 21 of the IGCA tells us that and section 93(2) of the Financial Services Act expressly gives us this derogation here.

Whenever a rule is passed and gazetted, one must understand what is the mischief which the rules set out to cure. This is the very reason we sit in Parliament and, as legislators, we make laws and rules are gazetted as subordinate legislation.

The mischief which it was set to address is, there was an administrative burden faced by licensees in the implementation of section 23 of the FSA, Financial Services Act, as it initially stood prior to the amendment brought by the Finance (Miscellaneous Provisions) Act last year. That was Act 18 of 2016. If the hon. Member goes back to Hansard and goes to the debates when the mover of the Bill, then Minister of Finance, current Prime Minister moved Act 18 of 2016 and was explaining the provisions, including provision which amends section 23, here, the hon. Member would see since last year, the reasons were set out clear. So, it is

not when it was gazetted and published on 21 January this year, made on 19 January by the FSC, published on 21 January that suddenly people became aware of this. Ever since the Finance (Miscellaneous Provisions) Act last year Act 18 of 2016 the reasons were set out clear.

Now, what is the mischief is that prior to the amendment, there was an extremely rigid requirement.

*(Interruptions)*

The hon. Member seeking for explanation perhaps should listen. The extremely rigid requirement that no shares at all or interest, be it legal or beneficial in a licensee could be transferred except with the approval of the Commission, so mandatory. Now, licensees face thus a heavy administrative burden for the transfer of shares irrespective of the types of shares held. Irrespective! Whether the shares carry controlling interest or not! Irrespective of the percentage held as well, as well as the frequency of such transfers of share or interest. And it is important to see what the legislator, what the FSC here wanted to plug. And I will give a very concrete example and I am sure the hon. Member will understand, but certainly not to address what the hon. Member alluded to as the Alvaro type of situation or AML, CFTs, things like that.

Let me give you a concrete example! In a case of a collective investment scheme, known as a CIS or a closed-end fund, commonly known as the CEF, 2 types of shares are issued Madam Speaker, voting shares and non-voting shares. Now the voting shares are known as management shares. And these are usually issued to the CIS Manager. The non-voting shares, commonly known as participating shares, are issued to investors of either the CIS or the CEF. This is where the voting/non-voting comes into the picture. The participating shares also have the attribute of redemption. That is, the investors can request the CIS or the CEF to buy back the shares issued or transfer those shares as maybe provided under the constitutive documents of either the CIS or the CEF. Given the nature of a CIS or CEF, maybe it is technical at this early hours of the morning but concrete examples are so called Education Funds which many institutions licensed by the FSC offer. And in those such education funds, the nature of CIS/CFF, there is a high frequency of issues and transfers of those types of shares on a daily basis Madam Speaker! Daily basis!

So, given that only those shares having voting rights can influence the control of an entity, it was proposed that those shares which do not hold voting rights will not require the

Commission's approval for their issue or transfer due to their high volume and frequency, as I have just said. Hence, an amendment was brought to section 23 (4) of the Financial Services Act, that was done by Act 18 of 2016 and hon. Member can see that that provided to include types of shares, such that appropriate rules can be drafted. And the appropriate rules of the rules in lite here today. So, section 1(A) was inserted by Act 18 of 2016 to the effect that there would be no requirements to seek prior approval of the commission where there is -

- (i) A transfer of less than 5% in the licensee's shares, and
- (ii) When such transfer does not result in a change in the control of a licensee.

So, if there is a transfer of this 5%, the licensee has still to notify the Commission because due diligence obligations cannot be obviated and are a *sine qua non* in the financial services sector. So, nothing is being done to undermine the integrity of our financial services sector. Therefore, even if a 1% change in shareholding changes controlling interest, the licensee has still to seek for approval of a Commission. It is with the above safeguards in mind that those rules were made, that G. N. 15 of 2017 was gazetted and laid on the Table of this Assembly.

Now, an amendment, as I said, was also brought to section 23(4) of the Financial Services Act to address the issue of types of shares so that the requirement to seek approval under section 23(1) of the Act - Members are not interested - would not apply to the issue for transfer of a type of shares that do not carry voting rights. Given that only those shares...

*(Interruptions)*

having voting rights can influence the control of an entity...

*(Interruptions)*

**Madam Speaker:** Don't make comments from a sitting position.

*(Interruptions)*

You're making comments from a sitting position and you are interrupting.

*(Interruptions)*

No, hon. Shakeel Mohamed, I am addressing myself to you. Please don't interrupt! Please continue hon. Attorney General!

**Mr Yerrigadoo:** Thank you, Madam Speaker. So, given that only those shares having voting rights can influence the control of an entity, it was provided for in the Rule that those shares which do not have a voting right would not require the approval of a Commission.



There are ample safeguards, Madam Speaker. It must be highlighted that although approval of a Commission is not required in specific circumstances as set up above, as I have explained above - because we tend to forget, it's not individuals walking into the FSC and dealing with the FSC, it is licensees and management companies - these management companies have the first tier due diligence in all applications to the FSC including in this case. They have the obligation to conduct appropriate due diligence measures as required - hon. Uteem knows - by the FSC code on Anti-Money Laundering (AML) and Terrorist Financing which is commonly known. So, there has been no derogation to the FSC/AML/CFT codes; no derogation to section 18 which the hon. Member mentioned himself.

Hence, licensees and management companies have a duty to ensure that they have identified their customers (KYC), collected all identification documentation etc. as well as, more importantly, identified the origin of funds being invested. Now, the funds just do not come in. These licensees open bank accounts. Commercial Banks in Mauritius are also subject to their regulator, the Bank of Mauritius. They are also subject to the Rules of the Bank of Mauritius. I do believe that our reputable Commercial Banks don't just open accounts like this without, of course, going through AML/CFT rules as well.

So, this will be done whether it is a 1%, 5% or 100% change in share ownership. Section 23(3) of the FSC stands unamended. It is very important. Section 23(3) is unamended. May I read 23(3) where it states –

- “(3) Where, at any time, the Commission is not satisfied that a controller or beneficial owner of a licensee is a fit and proper person, it may, after giving the person and the licensee an opportunity to make representations about the matter, direct –
- (a) such person to dispose of his shareholding in the licensee;
  - (b) such person not to exercise any voting rights with respect to his shareholding in the licensee; or
  - (c) the licensee to take such remedial measures as may be necessary in the circumstances.”

Madam Speaker, on top of that, the whole process is also scrutinised by the Commission during on-site inspection which is the norm.

So, Madam Speaker, I won't take much time of the House at this early hour of the day. I do hope that this has put to rest all the qualms of my learned friend and there is no ulterior motive. It is very clear what the intention was and I do believe that this will help defeat the motion of the hon. Member.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Uteem!

(02.50 a.m.)

**Mr R. Uteem (First Member for Port Louis South & Port Louis Central):** Merci, Madame la présidente. Permettez-moi tout d'abord de remercier l'honorable Adrien Duval d'avoir déposé cette motion d'annulation qui aura le mérite au moins d'avoir suscité un débat dans cette Chambre ; un débat sur la bonne gouvernance, un débat sur le type de centre financier que l'île Maurice aspire à devenir et aussi un débat sur le rôle de la *Financial Services Commission* comme agent régulateur du secteur financier.

L'honorable Attorney General a parlé d'une réglementation technique. Oui, je l'admets. C'est très technique. Mais c'est aussi une régulation qui a des effets qui sont très importants pour le secteur de l'offshore et avec votre permission, Madame la présidente, pour moi, la question qui doit être débattue aujourd'hui c'est quel type de centre financier l'île Maurice devrait être. Est-ce qu'on veut un centre financier qui est propre et qui est bien réglementé ou bien est-ce qu'on veut un centre financier opaque, un centre financier qui attirerait les criminels, qui favoriserait le blanchiment d'argent et le *financing of terrorism*. Parce que la question qu'il faut se poser c'est, est-ce que le G. N. 15 renforce l'image de Maurice comme un centre financier crédible et bien réglementé ou, au contraire, il affaiblit l'île Maurice en tant que centre bien réglementé. Et je partage l'avis de mon collègue, l'honorable Adrien Duval, qui pense comme moi que c'est un recul. Moi, j'irai même plus loin pour dire que c'est une rupture avec la politique qui a été prônée par tous les gouvernements successifs depuis 1992 que ce soit au niveau du Parti Travailleiste, au niveau du MSM avec le MMM. C'est une rupture.

L'honorable Attorney General a commencé à faire l'historique de la *Financial Services Commission*, mais il ne l'a pas fait entier. Au fait, tout commence en 1992 avec le *Mauritius Offshore Business Authority (MOBA)*. Et puis en 2000, le gouvernement d'alors - le gouvernement MMM/MSM - décide de mettre un *Steering Committee* pour revoir le secteur offshore, pour créer la *Financial Services Authority*. J'ai eu l'honneur et le privilège,

Madame la présidente, d'être un des membres cooptés sur ce *Steering Committee*, donc je sais très bien pourquoi on est venu de l'avant avec la *Financial Services Commission*. En ce temps, le *Steering Committee* était présidé par M. Manraj qui été le *Financial Secretary* alors - il est toujours le *Financial Secretary*. Mais je me souviens très bien des longues discussions qu'on avait eues pour justement préserver l'image de Maurice en tant que centre bien réglementé. Et je me souviens, à un moment donné, on avait parlé de fusion entre la Banque de Maurice et la *Financial Services Authority* et la Banque de Maurice avait objecté formellement parce qu'en ce temps la Banque de Maurice était regardée comme très bien réglementée alors que le secteur non bancaire n'était pas au même niveau.

Donc, pour moi aujourd'hui, la motion qui concerne le G. N. 15 est une rupture. Une rupture avec cette politique de faire de Maurice un centre bien réglementé et dans tout cela, le rôle de la *Financial Services Commission*.

Madam Speaker, the *Financial Services Commission* has a crucial role to play in ensuring that Mauritius is properly regulated as a Financial sector. I will quote from the Code on the Prevention of Money Laundering and Terrorist Financing published by the *Financial Services Commission* in March 2012.

This is what it says in the very first introductory paragraph -

“The *Financial Services Commission* (‘FSC’) has the mandate to establish norms and standards in order to preserve and maintain the good repute of Mauritius in the financial services sector and *inter alia* ensure that the financial services sector in general, and its Licensees in particular, are not used for money laundering and terrorist financing purposes. Pursuant to section 18(1)(c) of the *Financial Intelligence and Anti-Money Laundering Act 2002* (‘FIAML Act’), the FSC has a statutory duty to supervise and enforce compliance by its Licensees in respect of the requirements imposed under the FIAML Act and Regulations or guidelines which are made under the FIAML Act.”

This is, in fact, in compliance with the commitments taken by the Mauritius Government under several international initiatives by the *Financial Action Task Force*, the *Basel Committee on Banking Supervision*, the *Wolfsberg Group*, the *International Organisation of Securities Commissions (IOSCO)*, and the *International Association of Insurance Supervisors*. So, the FSC, as regulator, has the primary duty to ensure that

Mauritius is properly regulated. And how does it do that? The starting point, Madam Speaker, is section 14 of the Financial Services Act which provides that no person can carry out any financial services unless it is authorised and it is licensed by the Financial Services Commission. If you do that, if you carry out financial services without being properly licensed, you risk a fine of up to Rs1 m. and imprisonment of up to eight years.

Section 19 makes it an offence, while you are applying for a licence to provide misleading information or to omit material information and if you provide misleading information, you risk 5 years imprisonment. Now, the hon. Attorney General has referred to section 18, it is worth reading section 18 of the Financial Services Act, Madam Speaker. Section 18 (2) (i) provides that the Financial Services Commission -

“(...) shall not grant an application - for a licence - unless it is shown to its satisfaction that the applicant in each of its controllers and beneficial owners are fit and proper persons to carry out the business for which a licence is sought.”

So, the FSC, before granting any licence requiring financial services, must ensure that the controller and the beneficial owner are fit and proper persons. What is meant by “fit and proper persons”, Madam Speaker? This is defined in section 20 and it includes -

- “(i) financial standing;
- (ii) relevant education, qualifications and experience;
- (iii) ability to perform the relevant functions properly, efficiently, honestly and fairly, and
- (iv) reputation, character, financial integrity and reliability”

It is very important, Madam Speaker, to note that the definition of “fit and proper persons” does not include conviction. So you can be a person who has not been subject to any conviction, you may not have been charged before any Court of law and yet you are not a fit and proper person because of your reputation, character, financial integrity and reliability. So, under section 18, the FSC has to ensure that the controller and the beneficial owner of the Licensee are fit and proper persons.

Now, what is meant by “controller”? This is very important, Madam Speaker, because this is the crux, for me, of the matter. This is the crux of the GN 15. Controller, there is a list of people who are controllers and then, under paragraph (d) of section 2 -

“A controller is someone who holds or controls not less than 20 percent of the shares of the corporation”

This is very important, Madam Speaker, a person who holds or controls not less than 20 percent of the shares of the corporation. We are not talking about voting shares. In fact, there is another subsection which says the power to control not less than 20 percent of the voting power in the corporation. So, voting power is a characteristic of controller but also if you hold 20 percent of shares, voting or non-voting, you become a controller and the FSC has a statutory duty under section 18 to ensure that the controller, someone who is going to hold 20 percent non-voting shares, is a fit and proper person.

Now, this is when you start the business, but the FSC has also an ongoing supervisory role and that is where section 23 comes in. Section 23 provides that it's not just when you start that you need to have fit and proper persons, but each time that you issue shares or you transfer shares the FSC must ascertain and be sure that these people to whom you are transferring or issuing your shares are fit and proper persons. Because it serves absolutely nothing to start a business with some people who are above the top, very reputable, very good, who have sound financial backgrounds and then down the road, the licensee issues shares to controllers who then are not fit and proper persons, who doesn't pass the test of anti-money laundering, of financing of terrorism activities.

And if we look at section 23 of the Financial Services Act, Madam Speaker, which is being amended by this regulation GN 15, section 23 (1) start by saying that -

“no share or any legal or beneficial interest in a licensee shall be issued or transferred except with the approval - that is the crucial word - of the Financial Services Commission.”

So, it's not just a matter of notifying them. The FSC has, actually, to approve the transfer. Then, there was an amendment, as rightly pointed out by the hon. Attorney General, in section 1(a) which stated that you don't need the approval of the Financial Services Commission if you are going to transfer less than 5% of shares unless it results in a change in control. So, you can, precisely, not to burden - the term used by the hon. Attorney General - the FSC, only if you issue more than 5% or it results in a change in control that you need the approval of the FSC. But subsection 1(a) provides that you still have to notify the FSC even if you don't ask for its approval.

Now, what is being proposed today is completely different. What is being proposed under subsection 4 of section 23 provides that the requirement of subsection 1 shall not apply to such classes or types of shares as may be specified by the FSC rule. And the FSC rule says that the requirement to seek approval under section 23(1) of the Act shall not apply to the issue or transfer of the type of shares that do not carry voting rights. So, what it says, basically, is that if you are going to issue shares which do not carry voting rights, you do not need the approval of the FSC. And it also says that you need to even notify the FSC. It tells you that for non-voting shares, section 1 does not apply. So, this subsection 1 which says that you require the approval of the FSC before you issue any type of shares will not apply if you are going to issue non-voting shares and this is where we take strong exception to the position of the Government in supporting this GN 15 because in our respectful opinion - and we are not talking petty politics here, we are talking about people who are patriots, who want what is best for Mauritius, for the image of Mauritius as a financial centre.

How can we agree to a provision of Law which would allow licensees to issue non-voting shares, 80%, 90%, 99.9 % of non-voting shares, without the approval of the FSC and without even having the obligation to notify the FSC, without the FSC having the opportunity to go and carry out its statutory duty of ensuring that only fit and proper persons are licensed? The hon. Attorney General was talking as if this amendment concerns only funds. He gave an example, but the amendment is very far reaching, Madam Speaker. He is talking as if this amendment concerns only funds. He gave an example, but the amendment is very far-reaching, Madam Speaker. It concerns all licences. And 'licences' in the Act is defined as licences under the Captive Insurance Act, so it includes domestic captive insurance, insurance companies, private pensions, protected cell companies, companies under the Securities (Central Depository, Clearing and Settlement) Act under the Trust Act. So, we are not talking only about offshore companies, about global business companies. We are also talking about domestic companies, insurance companies. Insurance companies which are going to take public funds.

We all know what happens with the BAI saga. So, now if we have an insurance company and that insurance company decides to issue non-voting shares, the FSC is simply going to wash his hand and don't want to know about who are the holders of the non-voting shares. The FSC is not going to carry out any due diligence on any shareholder having non-voting shares. Hon. Attorney General stated that, fair enough, we are not going to have the FSC do the due diligence, ensuring itself that he is a fit and proper person, but this will still

fall unto the management company. I agree! Can we trust the management company to do the right thing. Can we trust the management companies in Mauritius to implement properly anti-money laundering measures to determine who is a fit and proper person? In my humble opinion, Madam Speaker, we cannot. Why we cannot? It is because it suffices that you go on the website of the Financial Services Commission and see every year the number of licences that are revoked because the licensees do not comply with the law. Only last month we have had Black River Trust Company.

In 2016, you had Belvédère Fiduciary, Lancelot Global, CountingHouse, Mountain Rock Investment, EntreCap, Four Elements PCC, AIK Credit, Copex Trustees and the list is long. And why have the licences been revoked? The reasons given by the FSC: failure to implement control to combat money laundering, failure to apply appropriate customer due diligence measures. And today we are saying that knowing how some of our licensees are not properly carrying out their jobs, now under this environment we are going to delegate this important, crucial function exercised by the regulator to management companies when we know every other month there are problems with the management companies. I do not agree, Madam Speaker. I do not agree at all that doing this will enhance the image of Mauritius as a properly regulated centre. Quite the opposite! It is giving the wrong signal. Not just for licensees, but the wrong signal to all the people out there watching Mauritius.

As pointed out by hon. Adrien Duval, this motion is being debated at a time when the FSC is under attack, when serious questions have been raised as to the competence of the Financial Services Commission, when there is a perception - whether real or not - of political interference in the working and operation of the Financial Services Commission. Instead of bringing more checks and balances, instead of strengthening the role of the FSC, giving it more power, ensuring its independence, making it more effective, what are we doing? We are exempting it, we are taking away things that it has to do in the law. To be honest with you, Madam Speaker, I am not surprised at all because what were the reasons given by the Financial Services Commission for doing what it did. In a communiqué issued on 30 January 2017 by the FSC, amendment to Section 23 of the Financial Services Act, that is how he justified the regulations -

“In its endeavour to promote an established Mauritius as a jurisdiction amongst the best performance for ease of doing business, the Financial Services Commission has taken measures for the Finance Act to amend Section 23 of the Financial Services Act.”

The only reason that has been communicated to the public by the FSC for bringing G.N. 15 is because we have to promote and establish Mauritius as a jurisdiction among the best performance for ease of doing business because we have fallen down on the list of 'Ease of doing Business' published by the World Bank. Now, we have to sacrifice regulations. We have to make it easier for people to come to Mauritius. We have to make it easier for people to invest in Mauritius, to buy shares in insurance company. Madam Speaker, you cannot do that at the expense of regulation. People will come to Mauritius if it is properly regulated, not the other way round. If we are well regulated, people will come and put their money in Mauritius and then we will have good ratings in ease of doing business. Ease of doing business can never be a justification to relax the rules on good governance.

Madam Speaker, in this life you can lose everything and gain it back. You can lose money and get it back. You can fall and stand again. But there is one thing that once you lose it, you can never get it back and that is reputation. With this G.N. 15, we are certainly affecting the reputation of Mauritius as a properly regulated Financial Centre and it is for this reason that we support the motion of disallowance.

Thank you.

**Madam Speaker:** I suspend the sitting for 10 minutes to allow hon. Members to have a cup of coffee.

*At 3.07 a.m., the sitting was suspended.*

*On resuming at 3.29 a.m. with Madam Speaker in Chair.*

**Madam Speaker:** Hon. Gayan!

**The Minister of Tourism (Mr A. Gayan):** Thank you, Madam Speaker. Madam Speaker, I listened with great attention to the mover of the motion who is not here and also to hon. Uteem. The mover of the motion wants a clarification of why this particular regulation was made. And I listened to hon. Uteem and I could not sense having the feeling that we are back to the time when the DTA with India was being negotiated, and scaremongering tactics are again on the cards, scaring people about the integrity of the financial system in Mauritius and also scaring all investors that we are, in fact, opening the floodgates to criminals as hon. Uteem said. But that is not at all the intention behind this particular provision made by the Financial Services Commission.



Madam Speaker, it is good that we go back to basics in this. On 19 January 2017, the Financial Services Commission made these FSC rules and these rules were made under sections 23(4) and 93 of the Financial Services Act. Listening to the mover and to hon. Uteem, one gets the impression that the whole architecture of the financial services industry has crumbled, that nothing exists, except this particular rule. That is certainly not the case. In fact, when one goes to section 23(4) of the Act, it says –

“(4) The requirement under subsection (1) shall not apply to such classes of licensees as may be specified in FSC Rules.”

It is good that I read it, Madam Speaker, so that we all understand what we are talking about. Section 93 deals with FSC Rules and says in subsections (1) and (2) that -

“(1) The Commission may make such FSC Rules as it thinks fit for the purposes of the relevant Acts.

(2) Any FSC Rules made by the Commission under the relevant Acts shall not require the prior approval of the Minister and –

(a) may provide for the taking of fees and levying of charges; and”

(b) shall be published in the *Gazette*.”

Hon. Adrien Duval spoke about the secrecy of these regulations. He said that no one in the financial services industry is aware of the making of these FSC Rules. But, Madam Speaker, there was a communiqué of the FSC issued on 30 June 2017 which addressed this issue. I am sure that all the operators in the financial services sector - and I am sure hon. Uteem, who is very closely associated with this, is aware of the contents of that communiqué. So, it is not something that is secret. It was published, and it is available on the website of the FSC. Now, what does the communiqué say? The communiqué says –

**“Amendments to section 23 of the Financial Services Act 2007”**

And I quote –

“In its endeavour to promote and establish Mauritius as a jurisdiction amongst the best performers for Ease of Doing Business, the Financial Services Commission, Mauritius (the “FSC Mauritius”) has taken measures through the Finance Act to amend section 23 of the Financial Services Act 2007 (the “FSA”):

**Section 23(1A) of the FSA**

A new subsection (1) has been added to exempt licensees from seeking the approval of FSC Mauritius when there is a transfer of shares or legal or beneficial interest of less than 5% in a licensee, provided that such transfer does not result in a change of control. The FSC Mauritius must be notified within 14 days of such share transaction.”

I heard one of the speakers say that there is no need for notification, but the communiqué is very clear that there must be notification whenever there is a transaction of this nature. Then, it goes on –

“In case where the shares or legal or beneficial interest of a licensee or those of its beneficial owner are listed on a securities exchange, either in Mauritius or elsewhere, the notification should be made once every year, on or before 31 January for all share transactions effected in the course of the preceding year.”

So, the issue of notification is already there. Then, the communiqué speaks about the rules that have been made. But, it is important, Madam Speaker, to go to the reasons why this particular provision was made. From information that has been made available by the FSC, it would appear that there are thousands of share transfers that were made for non-voting shares and this creates a lot of administrative burden on the FSC, and it was made purely to ease that particular burden.

So, section 23(4) of the Financial Services Act was amended last year through the Finance (Miscellaneous Provisions) Act of 2016. And what this particular amendment brought about was that the requirement under subsection (1), under section 23(4), shall not apply to such classes of licensees or types of shares or legal or beneficial interest, as may be specified in the FSC Rules. So, already, the ground had been prepared as far back as 07 September 2016; that’s when the amendment came into effect. But, prior to that amendment, section 23(4) of the Financial Services Act provided as follows –

“(4) The requirement under subsection (1) shall not apply to such classes of licensees as may be specified in FSC Rules.”

So, the amendment that was made to that particular subsection was to add “or types of shares or legal or beneficial interest as may be specified in the FSC Rules.”

Then, section 23(1) of the Financial Services Act was also amended through the same Act, the Finance (Miscellaneous Provisions) Act of 2016, to provide as follows –

“Subject to subsection (1A), no shares or any legal or beneficial interest in a licensee shall be issued or transferred except with the approval of the Commission.”

Then, this new subsection (1A) was added -

“Subsection (1) shall not apply to a transfer of shares or legal or beneficial interest of less than 5% in a licensee unless such a transfer results in a change in control of the licensee and where there is a transfer of shares or legal or beneficial interest of less than 5% in a licensee, the licensee shall notify the Commissioner of the transfer.”

So, the issue of notification is already there. But what is important is the control of the company. This particular rule does not apply to any voting shares. It applies to non-voting shares. And, as was explained by the hon. Attorney General, these non-voting shares are mainly in respect of a scheme, which is known as a Collective Investment Scheme or a Closed-End Fund Scheme, which have voting shares and non-voting shares. The voting shares, which are known as ordinary shares or management shares, are issued to the CIS Manager, but there are non-voting shares which are issued to investors, and investors like to play with their shares, they want them to be redeemed or they are transferred or whatever. This happens almost on a daily basis, and this is what creates the administrative difficulty at the FSC. But what is important is the control of the company, and it is in this regard that the FSC still has to give its approval whenever there is an issue with regard to voting shares.

There was a time, Madam Speaker, in the days when African countries were becoming independent, many of the experts who went to the African Continent said, “You form a company, you have 100 shares, I take 10% of the shares, you take 90% of the shares.” And what they did was to give 90% of the shares, which did not have any voting rights. But they were happy to have 90% of the shares. So, it is all a question of control, and it is the issue of control that the FSC is concerned about. This is why these rules have been made to address the issue of the non-voting shares, and with regard to all other kinds of shares, the rules and the law remain the same.

Madam Speaker, it must also be said that listening to hon. Uteem and hon. Adrien Duval, one will have the impression that the whole structure and architecture of the Financial Services Act has been dismantled. That is not the case. In fact, some sections have been referred to by hon. Uteem, and I think it is very important that we bear in mind that the all the provisions of the Financial Services Act remain operative. There has been no change except for the change that I have mentioned and there has been certainly no change with regard to

management companies which are the main actors in the issue of shares, transfer of shares that we are talking about.

Section 77 deals with management companies, and I quote, Madam Speaker, the heading, Management Licence, subsection (1) –

“(1) A company whose main activity is to –

(a) set up, administer, manage and provide nominee and other services to –

(i) a corporation which proposes to apply for, or holds, a Global Business Licence; and

(ii) such class of corporations as may be prescribed; or

(b) act as corporate trustee or qualified trustee under the Trusts Act 2001, shall apply to the Commission for a management licence.”

And it says -

“(2) For the avoidance of doubt, an application for a management licence shall be subject to the regulation of financial services under Part IV.”

And what does Part IV deal with, Madam Speaker? Part IV of the Act deals with one, requirement to be licensed, as mentioned by hon. Uteem, the mode for application of a licence, further information and verification, how false and misleading statements are dealt with by the Commission, matters related to fit and proper person requirements, display of the licence, approval of controllers and beneficial owners, approval of officers, register of licensees, suspension of licence and termination of licence.

So, all these provisions with regard to management companies are still in the law. Management companies have a great responsibility with regard to who are the persons behind the shares, whether they are the beneficial owners or whatever, and the FSC has all the powers to ask for information from the management companies.

I go to Part V of the Act, Madam Speaker. Every licensee has the obligation to keep and maintain internal records of the identity of each of his customers. Section 29 subsection (2) says –

“(a) For the purposes of subsection (1)(a), guidelines issued by the Commission under any relevant Act or under section 18(1) of the Financial Intelligence and Anti-

Money Laundering Act 2002 may specify the nature of customer identification documentation to be kept and maintained.”

This obligation is active for seven years during which time documents have to be kept. We heard about KYC. The FSC has all the powers under the law to call for all sorts of information from the management companies.

So, when we are dealing with these issues it is good to remember, Madam Speaker, that the approval of the Commission is not required for those shares which do not carry voting right, but the licensees still have the obligation to conduct appropriate customer due diligence measures as required by the FSC Code on the Prevention of Money Laundering and Terrorist Financing.

So, this does not dispense the licensee from conducting due diligence on the source of funds, on the customer and on any other relevant information. So, the licensees have the duty to ensure that they have identified their customers, that they have all the identification documents I have just referred to and they also are satisfied about the origin of the funds being invested by the customer. The Commission also has power to carry out on-site inspections and to check all documents.

This is the background to these provisions, Madam Speaker. Madam Speaker, hon. Uteem talked about the ease of doing business. Of course, the ease of doing business is something which is important for all countries and we must not forget that when we, in Mauritius, are trying to ease the doing of business, other countries are also doing the same. We are not alone in this game. We have competition and the competition is very tough, so we have to be ahead of the competition and ...

*(Interruptions)*

Like in tourism, of course. We have to do better than our competitors and there is nothing wrong with easing the way we do business. There is nothing wrong with that. In fact, we must attract and retain customers in the financial services sector just like we do in the tourism sector.

Madam Speaker, hon. Adrien Duval spoke about secrecy and I have addressed the issue of secrecy. But the whole point of something being gazetted is to give notice. The whole purpose of the Gazette, once it is gazetted, it becomes public notice and I was a bit surprised when hon. Adrien Duval was talking about secrecy. But the whole point of the gazetting is to deal with that particular thing.

The other point that was made by hon. Adrien Duval was that we are undermining the integrity of the regulator. But section 6 of the Act is still there. When we look at section 6 of the Act which deals with the functions of the Commission, and I quote –

“The Commission shall have such functions as are necessary to further most effectively its objects, and in particular, shall –

- (a) be responsible for the administration of the relevant Acts;
- (b) license, regulate, monitor and supervise the conduct of business activities in the financial services sector and of global business;
- (c) set rules and guidance governing the conduct of business in the financial services sector and of global business;
- (d) identify and take measures to prevent and eliminate investment business abuse;
- (e) establish norms and standards in order to preserve and maintain the good repute of Mauritius in the financial services sector;
- (f) promote public understanding of the financial system, including awareness of the benefits and risks associated with different kinds of investment;”

And then it goes on –

- “(g) carry out investigations and take measures to suppress illegal, dishonourable and improper practices, market abuse and financial fraud in relation to any activity in the financial services and global business sectors;
- (i) carry out research, commission studies (...);
- (k) establish and maintain such links and liaison with international agencies (...)”

And -

- “(o) do such acts or things as are incidental or conducive to the attainment of its objects.”

So, we are not dealing with something which has disappeared totally. The regulator is still the regulator. Tomorrow if there is any abuse, the regulator will step in and it will take whatever corrective measures that have to be taken.

If we look at section 5, the Objects of the Commission, and I quote –

“5.(1) The objects of the Commission shall be –

- (a) to ensure the orderly administration of the financial services and global business activities;
- (b) to ensure the sound conduct of business in the financial services sector (...);
- (c) to elaborate policies which are directed to ensuring the fairness, efficiency and transparency of financial and capital markets in Mauritius;”

And it goes on like this.

This is only part of the architecture of control which the regulator has set in place. So, when there has been one subsection which has been added, it does not mean that the whole Act has disappeared. So, when we hear hon. Members speak about the reputation and that we are, in fact, doing a disservice to the financial services industry, that is something that we need to reject. It is not the case and certainly we have in the law, and with the amendment, all the powers to ensure that the financial services industry is something which is operating according to legal norms.

I started my intervention by talking about scaremongering tactics. In fact, what did we not hear when we were renegotiating the Treaty with India. Here again, it is the same syndrome. I will not use the expression of *narien pas bon*, but I will have to say that hon. Members of the Opposition are doing a disservice to our country by adopting this kind of attitude. They are doing harm to the image and reputation of our country when they belittle and undermine our institutions. I do not think that it is a sense of patriotism that is guiding the Members on the other side. Of course, when anything that is done is painted in a sinister manner, nothing is treated fairly, everything is given an interpretation which is not warranted, this is not right.

I have said it and I'll say it again in this House. We may disagree among ourselves on the way we need to proceed, but we all owe an obligation to maintain the image and the reputation of our country because this country is ours. This country does not belong to

anybody. It belongs to us. It belongs to the people outside listening to us. I do not know whether they are listening at this time in the morning, but if they are, they will understand that we need to preserve and protect this country.

This kind of Motion of Disallowance, unfortunately, does not serve that purpose. So, this is why, Madam Speaker, this motion has to be rejected and defeated.

Thank you very much.

(03.57 a.m.)

**Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East):**  
Madam Speaker, we are all listening very patiently to one another. It is quite sad having listened to hon. Gayan that he chose to criticise the Opposition for having come up with this Motion of Disallowance, specifically hon. Adrien Duval.

The last time I checked, this motion was based upon the right of the hon. Member to bring the motion based on the rules of the National Assembly and the fact that the hon. Member explained why he was coming ahead with this motion, he was very careful to go into details by saying that this was not, in any way, condemning Government for having done anything wrongful with intent. He was very careful to explain that there were risks associated with what was done in this Government Notice and that it was, therefore, necessary, Madam Speaker, for Government to pay attention to the potential dangers that this Government Notice could provoke to our financial industry.

In spite of him having explained painstakingly all the reasons for explaining this Motion of Disallowance, hon. Gayan found it appropriate to come and say that he found it to be not patriotic. Therefore, he found it that we were scaremongering and that he thought that each time - for example, in this particular case - when the Opposition stands up within our rights, he finds it appropriate to come and paint us dark, blacken us as though we are not patriotic and we do not, in any way, love our country and we want things to go wrong. He is very good at giving lessons each and every time he stands up to the Opposition as though he was going to teach us a few things.

*(Interruptions)*

He has a sense of humour that I fail to follow.

*(Interruptions)*

We all do. Thank you.



The whole point of this motion, Madam Speaker, was not, as I have said, to blame Government or to prosecute Government or to come and say that Government had any wrong intention. The whole point of this motion is for once, I believe, for us to sit down together in this Assembly and to debate on the potential dangers and to agree to disagree. Or maybe to agree that maybe there could be potential dangers. But to take the whole idea of this Motion of Disallowance as though one has to be adversarial, even now on this issue of such high national importance is indeed a sad attitude to adopt mainly by hon. Gayan. But then that does not surprise me coming from him.

*(Interruptions)*

Good! I've never tried to. I have better things to do.

*(Interruptions)*

**Madam Speaker:** No, hon. Gayan, please withdraw!

**Mr Mohamed:** Could he please withdraw it?

**Madam Speaker:** He has.

**Mr Mohamed:** No, he should stand up and withdraw it.

**Madam Speaker:** He has.

**Mr Mohamed:** I did not hear him doing it.

**Madam Speaker:** No, he has.

**Mr Mohamed:** He has?

**Madam Speaker:** He has withdrawn.

**Mr Mohamed:** He has not got the courage to say it, he was just murmuring, but outside he cannot even have the courage to say it. Here, he will. That's how cowardly some people are.

*(Interruptions)*

What really surprises me also is that what length some people will go just to try to show that they are right. But what I would like to state here, Madam Speaker, is that I have not heard hon. Gayan in all the time that he has taken to quote what the law says, why he has not been able to explain why this Government Notice has come into force. He has not been able to explain. He has simply repeated what the hon. Attorney General has said and what he

said was: the hon. Attorney General has explained that this Government Notice is mainly in relation to the collective investment scheme and closed-ended fund scheme. It was never the intention to do anything more than that. This is what he said. He said mainly, in other words when he said it is mainly with regard to those two schemes, it is not something that hon. Gayan is saying that it is only with regard to those two schemes. That is the difference. This is why he tried to drown the fish. Why does he not come and explain if it mainly concerns those two schemes and not only those two schemes, what about the other products? This Government Notice also concerns the other products that are provided for and defined as explained by hon. Uteem. Therefore, therein lies the danger. Hon. Gayan goes on to say: ‘Well, all the other sections of the law remain in force.’ Fair enough!

The whole problem is that there is a disconnect between the other provisions of the law by the fact that this Government Notice is drafted in such a way where now he has not been able to deny that. He has not been able to justify that. He turned around the issue and he evaded the issue.

This Government Notice clearly creates a situation where not only approval is no longer required, but notification itself is not required. Hon. Gayan mixes issues. And I am sure he does not do it on purpose because if he did, then I would be really, really not surprised. Hon. Gayan tried to say that Section 23(1)(a) clearly says in the communiqué –

“The FSC, Mauritius must be notified within 14 days of such shared transaction”

And he reads this so happily, giving the explanation to one and all and for posterity that, in fact, this Government Notice, therefore, requires that the FSC be notified within 14 days. But he wrongly read the communiqué. The communiqué makes clear distinction between Section 23(1)(a) of the FSC. It is under section 23(1)(a) that the FSC Mauritius must be notified within 14 days. That’s all! But Section 23(1)(a) does not have anything to do with the Government Notice which is the subject matter of this particular motion for disallowance.

So, when he was going on about: “Well, the communiqué says we have to give notice within 14 days”. He was referring to something that was not in any

way connected to the Government Notice. Hon. Gayan still, in his whole address, Madam Speaker, has not been able to explain, neither has the hon. Attorney General, how is it therefore that this Government Notice and the rules that have been brought in exempt licensees from seeking the approval of the FSC when there is an issue or transfer of shares or legal or beneficial interest in the licensee which do not carry voting rights, and not even notification is required. So, imagine the distance we have travelled from the time when there required at least to be notification or approval, but here no notification is even required nor approval.

Hon. Gayan believes he has really carried out an amazing feat today by saying: “well, all the other laws in this FSC Act are still existing; therefore the control is still there”. But what he does not realise, Madam Speaker, is that when he goes as far as to say: “well, the FSC can come on site and go for verifications because the law allows them to so”. So, what happens therefor? Allow a financial mess to happen and then since they have not been notified, they can come in and take action after the mess has happened, after the total disaster has occurred, precisely because this control mechanism, the check and balance mechanism in order to ensure the sanctity and reputation of our financial services sector has just disappeared. Then, hon. Gayan, Madam Speaker, is convinced that he is right, but he has not been able to explain why he is right. He has simply, as I have said earlier on, drowned the fish because he has tried to make politics with this whole subject instead of trying to look at it in an objective manner. Yes, Madam Speaker, hon. Gayan has not been objective in his approach. He has simply tried to convince everyone that he was right and, for him, it is only about scoring political points, nothing else. The objective of the Opposition, the objective of hon. Adrien Duval is not to score political points, but is to alert the attention of Government that there may be danger within this Government Notice and that we have together as Parliamentarians tried to address our minds to it, and avoided the problems that may occur. That is the intention of hon. Adrien Duval which we share and we commend him for that.

So, now I am still trying to go through all that hon. Gayan said. Not a moment, during his intervention, did he explain how, therefore, would the dangers that hon. Duval referred to would never occur. He never explained, neither did the hon. Attorney General. He did not explain. Therefore, if he could not explain, the dangers potentially are there. And therefore, if we are to believe him, Madam Speaker, we would simply have to keep quiet and try to be patriotic in his way, which I would like to keep away from, because it would not be patriotic for us to keep quiet. For us, the whole idea of a debate on this issue is, in fact, being patriotic.

He accuses us of scaremongering. How? How are we scaremongering? By drawing attention of the House that maybe we should try to be careful about this, rethink this clause. It is not the first time that Governments have stopped and rethought clauses that could contain issues that have not been sought out of properly. No one, not even the Opposition, holds the monopoly of knowledge. We do not. We are not always right, but then again the arrogance from certain quarters to believe that they are always right, amazes me.

Let us all go for a scenario. What is provided for here as explained by hon. Uteem as to what exactly is defined as a controller. The definition is of utmost importance and the 'controller' is defined in the Act not only as someone who has the power to control not less than 20% of the voting power, but also holds or controls not less than 20% of the shares of the corporation. In other words, Madam Speaker, the Act, itself, makes a difference and a distinction between voting rights as opposed to controlling of shares. That does not necessarily means at all the voting rights. There is a disconnect there. There is a difference there. There is a distinction there. But hon. Gayan just, in order to satisfy his argument that holds no water, mixes the two. He blurs it, makes the difference disappear and he is happy, and he believes that he has scored really important points. Is this the way we are going to really address this issue? So, let us look at the scenario. Let us say that hon. Gayan is right. Hon. Attorney General is right. Excellent! Imagine the scenario now that, according to them, only those two schemes are concerned by this Government Notice; Collective Investment Scheme, closed ended fund schemes. What about the other financial services products? When this happens, as I have said, there is a serious lack of verification as to who is coming in because there is no notification. Then what do we do? Then, we will say: "well, let's go for a site visit. We will examine the files. Then, we will see in the file; yes, there was a problem initially that we could have noticed had there been notification. We would have noticed had there been approval required." Then, we would have before the mess happened, but hon. Gayan said it was not important. Hon. Gayan said for the sake of political scoring that it was cool, it was good. He called it a game. In this game, we have to be ahead of the competition.

Madam Speaker, on this side of the House, we do not believe that the sanctity and reputation of the financial services sector of this country is a game. For him, it may be a game, but for this side of the House and for the thousands of youngsters working in that industry, it is not a game. He believes ease of business and he compares it to the tourism industry. It has nothing to do and is not even comparable.

Therefore, if the degree of seriousness he wants to apply to the tourism industry is exactly what he wants to apply to the financial services industry, oh, God protects us! Oh, it annoys him now when I talk about God! Early morning, we have to contend ourselves with this political scoring of hon. Gayan, but then, again, what I wish is, at least, not for the first time, the hon. Prime Minister would, at least, cast aside such arguments put forward by the hon. Gayan. I wish the hon. Prime Minister would show that he was above such party politics. I wish the hon. Prime Minister who is coming here could wait and say: "Wait a minute, that there is a serious problem that could arise." It is not what we are saying that it was Government who intended to do that in order to do some dark deed. This is not what I am saying and this is not what the Opposition is saying! This is not the argument put forward! What we are saying is this *peut comporter des dangers* and this, therefore, requires that we are above this petty party politics debates and that we try to look at it together. Maybe, there is a point which I am convinced about that we require the hon. Prime Minister to look at before simply casting it aside because I hope and I pray that the hon. Prime Minister does not go as low as hon. Gayan has gone while tackling this debate.

Thank you very much.

**Madam Speaker:** Hon. Sesungkur!

(4.17 a.m.)

**The Minister of Financial Services, Good Governance and Institutional Reforms (Mr D. Sesungkur):** Madam Speaker, we are standing here today, this morning, debating on an amendment which came into effect on 07 September 2016. When the mover was in Government at that time, he was well aware of the amendments that were being made and more so, they approved these amendments and they voted for that Bill. Yet, today, when he started his speech, what he said: "I want clarification!" He wants clarification now. When I heard hon. Shakeel Mohamed just now, he is saying that the Opposition is not totally against these amendments, but they want to be sure that this amendment, this rule will not affect our financial sector. But, the motion is very clear. The mover wants to disallow. They want to get rid of this rule.

Hearing the different interveners, the mover, hon. Uteem, hon. Shakeel Mohamed, a number of issues have been discussed, general issues going as far as asking what type of a financial centre we want, whereas the main issue is about the transfer of shares, the voting rights. This is the central part of the issue. The interveners spoke about secrecy and that there

has not been any consultation. They are questioning due diligence procedures. What about KYC? The mover also asked about *prête-nom*, what will happen if somebody actually participates in a structure as a *prête-nom*. The question of fit and proper also has been raised. The integrity of the regulator has also been questioned. The mover has gone as far as even mentioning the case of Black River Trust whose licence has been suspended where a member of the PMSD is involved, Penny Hack. So, we have to be...

*(Interruptions)*

**Mr A. Duval:** Madam Speaker, on a point of order, if I may! What the hon. Minister is saying, he is misleading the House. First of all, Penny Hack is not a Member of the PMSD. And secondly, whatever he is saying now is completely...

*(Interruptions)*

I think you should call him back to order.

*(Interruptions)*

**Madam Speaker:** Please!

*(Interruptions)*

Hon. Sesungkur, please sit down! There has been a point of order. I think the hon. Minister should withdraw what he said because it is not for this House to make any allegations or impute motives to somebody who is not here to defend himself.

**Mr Sesungkur:** Okay! Although we know there is a connection.

*(Interruptions)*

I did not mention PMSD connection. I said connection.

*(Interruptions)*

I have already withdrawn.

**Madam Speaker:** Hon. Sesungkur, I have said it several times, when you withdraw, it should be unconditional. Please, withdraw unconditionally!

**Mr Sesungkur:** Madam Speaker, I want to be clear, the wife of Mr Penny Hack is a member of PMSD.

*(Interruptions)*

**Madam Speaker:** Hon. Sesungkur, I am sorry!

*(Interruptions)*

Hon. Sesungkur, I am sorry! I have given...

*(Interruptions)*

Please!

*(Interruptions)*

Hon. Sesungkur, I have given my ruling and I think my ruling is not clear enough for you. I have told you if you withdraw, you have to withdraw unconditionally. Please, do so!

**Mr Sesungkur:** Okay, Madam, I withdraw so that we can move on. I withdraw!

**Madam Speaker:** No, but do you withdraw?

**Mr Sesungkur:** Yes.

**Madam Speaker:** Hon. Sesungkur, have you withdrawn?

**Mr Sesungkur:** Yes.

So, the motion is about a specific rule. Hon. Gayan explained at length that the whole architecture of control, regulatory supervision is still there. The law is there. Whatever control or supervision is needed to preserve the integrity of the financial system is there. What we are doing is just easing to some extent the problems, the administrative burden which some of the operators have been witnessing.

We have taken the example of the Collective Investment Schemes, the closed-end funds. They have made representation to the FSC that they have non-voting shareholders and whenever there is a change, they have problems. We have 500 Collective Investment Schemes, 500 additional closed-end funds. Our financial sector is expanding at a very rapid pace. So, we have to respond to the need of the system.

FSC, if tomorrow, in ten years' time, you have let's say 10,000 collective schemes, what will happen? Will we be able to control each and every transaction? What we are doing is we are adapting our system so that they become efficient, so that we are efficient, so that we are competitive. This is what we are doing.

We are not touching the Financial Services Act, we are not touching the regulatory framework, we are not touching the integrity of the system and we are not causing any additional weakness to the system. Of course, I can agree to some extent that there are

certain additional safeguards which may have to be imposed, but this is under the control of the Commission. The Financial Services Act provides that the Commission may impose certain conditions. So, the FSC will look into it and will try to address.

But going as far as saying that, these were not discussed, it was done in all secrecy, that we have been hiding all these things. The FSC operates independently. They made the rule, they published it, there was a notice, it was on their website and it was gazetted. How can an operator in a sector not being aware of what is happening in the sector? How is it possible, a serious operator! And this was discussed with the industry. So, I think we are deviating general issues which are irrelevant, which ought to have come straight to the point.

Now about the issue of *quel type de centre financier*? This was a question asked by hon. Uteem. This is a very topical issue because as our financial sector will evolve, we will have to debate this on and on, again and again. We must have stakeholders' views as to what kind of regulation do we have? Do we want to regulate everything? Do we want to have control on everything? And do we want to have control on all the transactions? This is a very important matter which will have to be debated. I know there have been several cases, several issues recently. There was one case of deVere which hon. Uteem mentioned, two weeks ago.

I wanted to have this to the Members today, deVere has got operation in nearly 40 jurisdictions. They operate in 40 jurisdictions. If we are going to challenge these types of companies, you have other international players who are accepted in different jurisdictions, they are doing business and they are not being questioned. Although I am not saying that we are not going to question their activities, but they have their licenses, they are operating freely. But here in Mauritius, what are we doing? We are bashing these companies, we are questioning their integrity.

I am not saying that we have to open, give a free access to all types of businesses, but we have also to be mindful of what is happening in the world. We are competing with other international financial centres.

So, moving forward, this will be a topical issue. We will like to debate as to what are the parameters, what are the conditions, in what condition the FSC will operate. Are we going to start investigating each and every company, each and every investor whenever there is an article without actually taking a global view and looking at the materiality of the issue?

There have been reputable financial institutions, if I can give the names of certain reputable financial institutions which have been fined in the UK. They have been fined in the



US. So, if tomorrow they come to Mauritius, they want to invest, they want to set up an operation, are we going to refuse them a licence?

So, these are the kinds of things that we need to reflect upon. We need to have a very clear vision of where we are going and what we want to do. Either we accept that we have to be competitive internationally and try to ease the way we are doing business or we squeeze and we reject whatever new businesses are coming. We have to decide where we want to go, but we need to have a very dispassionate debate on this.

As hon. Gayan rightly said, the way the Opposition is behaving, the way they are bashing the sector, it can be interpreted as if they are sabotaging this sector because the number of articles, adverse articles, adverse comments which are being made every day, every now and then, every week, will definitely affect the image of our financial centre, will definitely affect the image of our country.

Today, we have a specific issue about the exemption on a transfer of less than 5% shares and also non-voting shares. So, it is for us to decide where we want to go and what we want to do because, for us, if we want to go higher in the ease of doing business, if we want to attract more businesses, we want to attract more investors and if we want to develop a more vibrant Financial Services Sector, we will have to look at our legal infrastructure, our legal parameter in which we are operating. We cannot control everything.

I agree that the FSC will need to have a look at its mode of operation. I know that they already have onsite supervision, they have an inspection department, a supervision department and their conditions which may be applied to licensees to report any major change or major sales of shares affect the overall legal infrastructure there and we believe that we have all the necessary apparatus, all the necessary tools for us to operate in a safe and proper manner.

So, with these words, I think this motion should be rejected in the best interest of Mauritius, in the best interest of the population and the future generation. Thank you, Madam Speaker.

**Madam Speaker:** Hon. Adrien Duval.

**Mr A. Duval:** Thank you Madam Speaker.

*(Interruptions)*

Let me, at the outset, thank the hon. Uteem who made very pertinent remarks, very pertinent points, then of course the Attorney General, hon. Minister Gayan, hon. Shakeel Mohamed.

*Je tiens à dénoncer quand même l'attitude du ministre de la Bonne gouvernance dans son allocution. Premièrement il a dit beaucoup de faussetés, il a essayé de tourner le débat en un débat politique, et il a fait pas mal d'accusations sur ce qui nous motive dans la motion aujourd'hui. Je dois quand même lui répondre, malgré le fait que je ne voulais pas faire cela devenir un débat politique. Il y a des choses qui ont été dites, et j'ai le devoir de répondre.*

*Premièrement, je trouve ça comme une preuve d'incompétence que le ministre n'ait pas compris le communiqué de la FSC. Il y a deux distinctions à faire, et c'est choquant. Premièrement, le communiqué de la FSC with regard to section 23(1A) does not relate to G.N. 15. The one that relates to G.N. 15 is the second part of that communiqué. Hon. Gayan has made the same mistake. In fact, I have to say I have not had the chance to read the communiqué, and it is only today that I am reading it and...*

*(Interruptions)*

...it is clear to me, and to those before me, that the first part of the communiqué has nothing to do with G.N. 15. The first part of the communiqué talks about a new subsection (1) that has been added to exempt – unless, of course, they have some difficulty in reading English. Earlier, the Rt. hon. Minister Mentor was giving advice to some to go and have tuitions. I think the same applies to Government Members.

“A new subsection (1) has been added to exempt licensees from seeking the approval of FSC Mauritius when there is a transfer of shares or legal or beneficial interest of less than 5% in a licensee, provided that such transfer does not result in a change of control. The FSC Mauritius must be notified within 14 days (...)”

That is wholly different from G.N. 15. It is the second part of the communiqué that matters, namely –

“Section 23(4) of the FSA has been amended to enable the FSC Mauritius to issue a new set of rules exempting licensees from seeking approval for transfer of certain classes/types of shares or legal or beneficial interest. On 19 January 2017, the FSC issued the Financial Services (Exemption from Approval of Controllers and Beneficial Owners) Rules 2016 (the “Rules”) to that effect.”

In fact, it should be Rules 2017 -

“The Rules exempt licensees from seeking the approval of the FSC Mauritius where there is an issue or transfer of shares or legal or beneficial interest in a licensee which does not carry voting rights.”

It has nothing to do with the 5%! The hon. Minister is wholly mistaken, and it is a proof of his incompetence!

Now, he has said so many things that are not relevant, in fact.

*(Interruptions)*

It is astounding to note, Madam Speaker, that the hon. Minister of Good Governance and Financial Services has completely missed the whole picture, has not replied to any of the legitimate issues raised by hon. Members of this House. We have raised issues as to the *prête-nom*. Maybe, he does not understand how the structure is favouring *prête-nom* in that there is no application to be made, in that there is no notice to be given, in that someone can have a *prête-nom*, own ordinary shares, and he owns the bulk of the non-voting shares, he controls the company through his significant financial interest. He does not understand, maybe, what *prête-nom* is!

But, then, even if he has missed the point, it is still very sad that we have all waited - and this is the point - until 4.30 hrs in the morning to discuss this motion. We raised legitimate issues and we wanted answers to these questions. Neither has the Attorney General, who has spoken mainly about section 93 and the power of the FSC to make rules - this has never been in question -, nor hon. Minister Gayan who, as hon. Minister Sesungkur, has tried to cast doubt and impute motives on our motivation. But none of them has replied to the legitimate issues that we have raised. I will not repeat them. They are in the Hansard. They will be, for years to come, a reference to this debate. They will see in the Hansard that, during the introduction of my motion, there were issues raised. They will see in the Hansard that hon. Uteem had raised very pertinent issues and they will see that hon. Mohamed had also done so.

Therefore, Madam Speaker, although the hon. Minister Sesungkur has accepted that there have to be additional safeguards, which is the only positive point on this motion, I have to say *que je déplore que le gouvernement n'ait pas pris cette motion au sérieux et n'ait pas répondu aux questions légitimes qui ont été posées. Maintenant, qu'en est-il du ministre Sesungkur lui-même ?* I think...

*(Interruptions)*

... he disqualifies himself to talk and to defend the FSC. He disqualifies himself. He is the one! I will remind the House. On 03 March 2017, who talked about *la légèreté de la FSC*? Who spoke about the FSC, and who criticised an organisation falling directly under his Ministry? And he was *remonté les bretelles*, and rightly so, by the hon. Prime Minister.

And, then, what does he say? He says, “Hon. Duval was in Government.” This is the same disc that keeps playing in every debate: “Hon. Duval was in Government and he knew about this.” Madam Speaker, not only did I not know, the hon. Prime Minister did not know! You will recall the PNQ of 04 April, where the Leader of the Opposition said –

“I would now like to ask the hon. Prime Minister whether he is aware of G.N. 15. G.N. 15 is a very weird piece of Regulation issued by Financial Services Commission. G.N. 15 says that from now on all investments into any financial services company in Mauritius whoever, whatever, money launderer, crook, whatever, no longer requires FSC approval only if it is in a non-voting share. So, you can buy the whole of the financial services sector in Mauritius, as long as you do not vote, you do not require at all any permission from anyone. I am going to ask the hon. Prime Minister whether this is at all related to the Alvaro Sobrinho affair and this is G.N. 15.”

And the Prime Minister replied -

“Well, I am not aware of the contents. Yes, I will look into it, when was it gazetted, who made it and what is the purport of it also. We should know, and then I will come back to the House with regard to this law.”

Today was an opportunity. The hon. Minister of Financial Services could have replied...

*(Interruptions)*

...and, Madam Speaker...

*(Interruptions)*

**Madam Speaker:** Hon. Sesungrur!

**Mr A. Duval:** Not only was the hon. Prime Minister not aware, no one was aware! When I talk about secrecy, Madam Speaker, I talk about the lack of consultation. I talk about a communiqué, which the hon. Minister himself did not understand. How do you expect hon.

Members, how do you expect stakeholders in the financial sector to understand it? None of the hon. Ministers who have intervened has understood it! How do you expect the common people to understand it? Come on!

Therefore, this is why I spoke of secrecy. There was no consultation. There has been no debate on it. There has been nothing in the press about it, and this is why I mentioned secrecy.

Madam Speaker, enough has been said. One last thing, perhaps, is the fact that, again, hon. Sesungkur disqualifies himself to talk about the FSC and all this. I mean, when we look at one of the cases that was, in fact - I do not want to go into it. It would be cheap of me. But, perhaps, with time, we will come with a question. Let it stay at that.

Madam Speaker, just to reply a bit to the points that were taken, the hon. Attorney General spoke about closed-end funds, and hon. Uteem has replied to this. It does not just involve closed-end funds. In fact, more importantly, it does involve insurances and all these.

*(Interruptions)*

It does not matter; it does involve them. And, therefore, the argument that it was mainly that my close-end fund was very restrictive in its interpretation, we all agree, on this side of the House, that there is a reputation to protect. In fact, the reputation of the sector is the primary duty of the FSC. No one has spoken about Fit and Proper on the other side of the House and now, suddenly, the Fit and Proper requirement is found in so many places, Section 18, Section 20 in the Act. Section 23(4) in the Act is not, in fact, related now to the exemption. It is no longer important apparently.

Madam Speaker, just to take some other few points, hon. Uteem is right, we strongly object to G.N. 15 because we think that it is important to think about the financial sector that we want to have. This is the argument that has been taken by the hon. Ministers who have intervened, that it is all about business facilitation. Madam Speaker, we cannot have business facilitation at the expense of protecting the reputation of our sector and its credibility; we cannot have business facilitation at the expense of the perception that our jurisdiction is a clean one, whether it's clean money being invested.

Hon. Uteem has raised some interesting points about money laundering, which have not been refuted. In fact, most of the points were not refuted. *Je tiens à deplorer le fait qu'il y avait une opportunité, ici, de rassurer justement le secteur. Pour reprendre ce que les honorables Gayan et Sesungkhur ont dit, c'est qu'aujourd'hui we are scaremongering, we*

are coming here, we are criticising, we are bashing the Government and we are doing all sorts of things. This is not what we are doing! I was very explicit when bringing the motion that we had legitimate issues that we wanted you to reply. I was very explicit that I wanted to generate the debate on this and that I wanted the Government to come and explain why the FSC has made the rules under G.N. 15. But what have they done? They have said - it has been covered by hon. Mohamed - is that we try to come in an unpatriotic move. Let me just say that they were five Ministers on the debating list and that this was the first and, I think, the last opportunity, for them to come and to re-assure the sector, that G.N. 15 is not at all going to open the door to money laundering, it is not at all going to have an adverse impact on the reputation and the credibility of our financial sector. This was the opportunity! It does not hold any water to say that, today, in bringing this motion, we are in some way trying to cast doubts or blacken the financial sector of Mauritius. It is the absolute contrary! In trying to use our democratic right, as rightly pointed out by hon. Shakeel Mohamed, to bring a motion, to have the Government, in the introduction to the motion to clearly say that the point of all of this is to have the Government to explain, to reassure - I use the word 'reassure' because we are legitimately concerned. What have they done? They have not done any of it! They have not tackled any of the issues and they have *le culot de venir dire qu'on vient aujourd'hui jeter la boue sur le secteur financier, alors qu'il y a eu quatre ministres qui sont intervenus et qu'ils ont tous été à côté de la plaque !* Donc, Madam Speaker, this is a stark reality of this debate. There are so many other points, but it is already 4 .44 a.m. I think it is time for us to proceed.

I will try to take some of the points raised. With regard to the jurisdiction part, I think hon. Sesunskur has spoken about due diligence. Hon. Gayan spoke about the due diligence that is being done by the management company. Yet, when he said that, he had completely forgotten or omitted to respond to what hon. Uteem had said about whether we can fully trust the management company in actually carrying out the due diligence. I repeat it, there is a two-tier system of control; FSC has the main role and then there are the management companies. If we remove the first TF of control, and there have been so many cases - examples were given; he gave a huge list of management companies which failed to comply with all sorts of provisions, namely money laundering and all these. How, in fact, are we making sure that there would be due diligence? Hon. Mohamed raised an interesting point, are we going to be wise after the event? And whenever there is a huge problem, it is only then that we would go and investigate, how do we protect, for example, the assets and interests of

the people who invest in these companies and who have nothing to do with all sorts of wrongdoings.

Madam Speaker, I agree as well that hon. Gayan drown the fish and it is a shame that he did that. They have not even attempted to answer to these issues.

Madam Speaker, again, I am pleasantly surprised that the Government agrees that there has to be more measures of control to be undertaken now. We will hold the Government to its word and we will, of course, follow this issue and we hope that, very quickly, the hon. Minister will come with, at least, a communiqué to say what he is doing, in fact, to put in place more measures of control.

Madam Speaker, on these words, let me thank everyone who has participated on the debate. I thank you, Madam Speaker.

*The motion was, on question put, defeated.*

**Madam Speaker:** The motion is defeated.

#### **ADJOURNMENT**

**The Prime Minister:** Madam Speaker, I beg to move that this Assembly do now adjourn to Tuesday 09 May 2017 at 11.30 a.m.

**Mr Sawmynaden rose and seconded.**

**Madam Speaker:** The House stands adjourned.

#### **MATTERS RAISED**

##### **DR. A. G. JEETOO HOSPITAL – INCINERATOR & GENERATOR**

**Mr R. Uteem (First Member for Port Louis South & Port Louis Central):** Thank you, Madam Speaker. I have a matter which concerns the hon. Minister of Health, who is not in the House. It relates to Dr. Jeetoo Hospital.

Over the past few years, I have asked, at least, half a dozen questions about the incinerator and since nothing has been done about it. There is still heavy smoke coming out of this incinerator.

Another issue which I want to raise today relates to refuse. Some people in Dr. Jeetoo Hospital had the brilliant idea of putting a container at the back of the hospital facing Auguste Rouget Street where every day they put all the wastes in that container. The problem is that

they never close the door, so at night the dogs and cats of the vicinity come and have a feast. There is also the fact that the smell is simply unbearable.

Then, every Wednesday, there is a generator - a very old generator - which has to be switched on and when it is switched on, again it has a noise that exceeds the permitted decibel. The Ministry of Environment is aware of it. We understand that they even made a report about it but, up to now, nothing has been done, whether at the level of the container containing the wastes or the generator making the noise on every Wednesday.

I would humbly request the hon. Minister to convey the message to the substantive Minister so that action can be taken to abate these nuisances. Thank you.

**The Minister of Technology, Communication and Innovation (Mr Y. Sawmynaden):** Thank you, hon. Member. With regard to the container, I will look into the matter and discuss the case with the RHD of Dr. Jeetoo Hospital. But as regard to the incinerator, I will pass on the message to the substantive Minister.

**Madam Speaker:** Hon. Baloomoody!

(4.54 a.m.)

#### **PRIMARY GOVERNMENT SCHOOLS – CLEANERS - WAGES**

**Mr V. Baloomoody (Third Member for GRNW & Port Louis West):** Thank you, Madam Speaker. I rise to address again the issue. It is not the first time that we are raising this issue in this House. My question, of course, is addressed to the hon. Minister of labour. By the time we reach home, these 300 ladies will have already left their homes to go and work in Government Primary Schools for only Rs1,500 per month.

This question has been raised in this House on several occasions. I was the first one who raised it in 2015. The Minister was supposed to look into the matter. These ladies, they are working whole day, cleaning the schools, cleaning the toilets and cleaning the yard. They are only getting Rs1,500 with no payslip, no local or sick leaves whatsoever. What is worst? Now, the Minister knows which are the companies employing them. Because, at first, to a question put to hon. Mrs Dookun-Luchoomun, she replied to my colleague, hon. Ameer Meea, that she will look into the matter. She is still looking.

Subsequently, the hon. Minister, herself, said that the two companies are Mauriclean Ltd. and Professional Cleaners Group Ltd. That was in August 2016 and up till today nothing has been done. No action has been taken against these two companies for not adhering to the



remuneration orders, for not complying to the law by issuing a payslip and not paying the minimum wages required by law.

So, can I ask the hon. Minister to look into the matter urgently and take appropriate action so that these ladies can have a decent wage?

Thank you.

**The Minister of Labour, Industrial Relations, Employment and Training (Mr S. Callichurn):** Madam Speaker, I am made to understand that an enquiry has already been opened by my Ministry and a follow-up is being done together with the Ministry of Education on that issue. I will certainly look again into the matter.

Thank you.

**Madam Speaker:** Hon. Dr. Sorefan!

(4.56 a.m.)

#### **PETIT CAMP, PHOENIX – WATER TANK**

**Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix):** Thank you, Madam Speaker. The issue that I am going to raise is to the concern of the hon. Minister of Gender Equality, Child Development and Family Welfare and probably that may also concern the MPI.

Madam Speaker, this issue is at Petit Camp, Phoenix where we have a concrete water tank which is on four pillars about 30 or 40 metres high and that is causing a lot of safety hazard. This was built by the Sugar Industry Labour Welfare Fund a long time ago, about 30-40 years ago, and now it is not being used. They have been condemned even by the Sugar Industry Labour Welfare Fund and they were planning to demolish them. Because of this, the pre-primary school is closed, the Community Centre is closed, the gymnasium is closed and the inhabitants of Petit Camp are having lots of problems.

The pre-primary children are taken to Palmerston Community Centre by a van given by the Municipal Council of Vacoas/Phoenix every day and this is causing a lot of problems to the children and even to their safety and this is a pressure on the Municipality.

I would ask the hon. Minister concerned to look into it so that these children can be safe in their place of residence and for the inhabitants to use the gymnasium and the Community Centre, if the hon. Minister can look into it urgently for those inhabitants.

Thank you.

**The Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo):** Madam Speaker, I am fully aware of this particular problem. In fact, I am working in close collaboration with my colleague, hon. Nando Bodha, to address this particular issue.

In view of the highly dangerous nature of the works, it has been decided that the pulling down and/or demolition of the water tank would be carried out by the Special Mobile Force. So let's hope that the Special Mobile Force carries out the work successfully. What I understand is that in the past, SILWF did hire the services of a private company, but it has not been able to do the work.

**Madam Speaker:** I have still five more hon. Members who wish to intervene. So, please be brief because we have only 18 minutes left. Hon. Rughoobur!

(5.00 a.m.)

#### **HOTELS - TAXI OPERATORS – LOAN SCHEME**

**Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or):** Thank you, Madam Speaker, I have got an important issue and my request is addressed to the hon. Prime Minister and Minister of Finance.

It is in regard to the plight of the taxi operators operating at hotel sites. There are, in the coming weeks, three 5-star hotels that will be under renovation and due to this all these taxi operators won't be operating in these hotels.

My request is addressed to the hon. Prime Minister, if he could look into the possibility of working out a scheme. I know that some years back, there was a scheme by the DBM. There was a sort of a loan facility that was offered to these taxi drivers in such situations a couple of years back.

I would request the hon. Prime Minister to please consider the possibility of having such a facility for these taxi operators because the renovation works which are going to be for a duration of a minimum of six months, if such a scheme could be put in place, so that they can have a long-term loan at a negligible interest rate. So, if the hon. Prime Minister could look into this.

**The Prime Minister:** Madam Speaker, in fact, I looked into the matter. There was, in fact, a scheme by DBM since 2009. Throughout the time, the conditions of the scheme have

changed. Now, I am informed - as the hon. Member has said – that there are six hotels which are going to be under renovation, the Sunset Reef Resorts, One & Only Le Saint Geran, Tamarin and so on. So, in this connection, Madam Speaker, I am reviving through the DBM the loan scheme to taxi owners, in order to provide them with an income support during the renovation of these hotels.

The revised scheme will carry more favourable terms and conditions that used to prevail before. Thus, the loan amount will be up to Rs20,000 monthly over the period of renovation and the interest rate will be at Repo plus 1% per annum and the loan will be repayable over two years after the renovation period by monthly equated instalments. The loans will be secured by a general floating charge as were the previous schemes.

**Madam Speaker:** Hon. Members, I said we have five more Members. I see hon. Abbas Mamode is back. We have six more Members to intervene in 18 minutes which makes two minutes only per Member. Please be very brief! Hon. Lesjongard!

(5.03 a.m.)

### **PUBLIC BEACHES – *PAS GÉOMÉTRIQUE* - ACCESS**

**Mr G. Lesjongard (Second Member for Savanne & Black River):** Thank you, Madam Speaker, for giving me the floor to intervene at adjournment time.

Madam Speaker, the issue which I am going to raise concerns the Minister of Housing and Lands and it relates to access to beaches on *Pas Géométrique* and along the western coast, more specifically in the regions of Tamarin, La Preneuse and Rivière Noire.

Madam Speaker, when land on *Pas Géométrique* was leased for *campement* sites, provision was made for accesses to the beaches. Today, most of these accesses have been blocked. This issue has been raised in the past, but until today, most of these accesses remain blocked. At the same time, Madam Speaker, they have also erected structures on those public beaches. These accesses, Madam Speaker are used by the public at large but also by fishermen to drag their boats back to land. Now I am making an appeal to the Minister of Housing. *Je sais qu'il a la capacité ou l'audace de régler ce problème* to effect a site visit so that we can take cognizance of the situation prevailing and that necessary actions could be taken.

Thank you Madam Speaker.

**The Minister of Technology, Communication and Innovation (Mr Y. Sawmynaden):** I will pass on the message to the hon. Minister.

Thank you.

**Madam Speaker:** Hon. Abbas Mamode!

### **ROCHE BOIS – TRANSFER STATION & QUARTIER SHELL**

**Mr S. Abbas Mamode (Second Member for Savanne & Black River):** Thank you Madam, I will be as brief as possible. It concerns the Minister of Environment and the Minister of Local Government. In the vicinity of Roche-Bois, there is a street leading to *le dépotoir*. *Il y a une cinquantaine de familles qui habitent dans les environs et vivent dans un environnement incroyable. Je demanderai aux ministres d'aller visiter et, en même temps, d'essayer de créer un environnement paisible pour ces gens qui y habitent. Ce n'est pas un dépotoir c'est un transfer station.*

The other issue concerns the Minister of Public Infrastructure and Land Transport. It concerns the region of Roche Bois called Quartier Shell. Les gens, qui habitent à Quartier Shell, doivent traverser l'autoroute, parce qu'il n'y a pas d'autre issue, pour aller à l'école Emmanuel Anquetil à Roche Bois. Pourrait-on voir s'il faut construire une passerelle ou même trouver une autre solution? Merci.

**The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou):** Madam Speaker, I will, therefore, proceed to the region of Roche Bois transfer station and possibly request the hon. Member to accompany me there so that we can assess the urgency of the situation.

**The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):** I will certainly address the issue Madam Speaker and we'll see what can be done technically.

**Madam Speaker:** Hon. Sewocksingh!

### **CUREPIPE – FORUM – BUS SHELTER**

**Ms M. Sewocksingh (Third Member for Curepipe & Midlands):** Thank you Madam. The matter is addressed to the hon. Minister of Local Government where there is an urgent request from the inhabitants of Curepipe who go to Forum on market days. They are requesting to have a temporary covered bus stand over there and I would request the hon. Minister to please try to see as soon as possible what can be done as winter is reaching and we all know the unpleasant climate that can happen.

**The Minister of Local Government and Outer Islands (Mr Jhugroo):** Madam Speaker, I will look into the matter.

(1) **PETITE RIVIERE – MEDI-CLINIC**

(2) **RESIDENCE BARKLY – BURNED HOUSES – VICTIMS - RELOCATION**

**Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière):** Merci, Madame. Moi, ma requête s'adresse au Ministre de la Santé et qualité de la vie. Il y avait le projet du dispensaire, les travaux devaient démarrer en février de cette année et le dispensaire a été transféré dans le centre social...

*(Interruptions)*

Petite Rivière, excusez-moi. Donc voilà, les travaux n'ont toujours pas débuté et deuxièmement, sur le projet 2016 –2017, il y avait la medi-clinique de Coromandel qui était listé dans le budget et cela aussi toujours les travaux n'ont jamais commencé.

Ma troisième requête s'adresse au Ministre de l'Intégration Sociale. Trois semaines de cela, il avait promis que les travaux allaient commencer pour les gens dont leurs maisons avaient été brûlées à la Résidence Barkly à Beau Bassin et là, cela fait plus de trois semaines qu'il avait promis que, dans deux semaines, les travaux allaient commencer mais jusqu'à l'heure rien n'a été fait, les personnes sont toujours dans le centre communautaire de Résidence Barkly.

**The Minister of Labour, Industrial Relations, Employment and Training (Mr S. Callichurn):** Regarding the case of the dispensary in Petite Rivière, I will take the case with the substantive Minister but I know that, for the medi-clinic of Coromandel, the work will start soon. So I think that everything has been sorted out and the work should start. As regards to the case in Barkly, we are all aware of that case, I know that the Minister of Social Integration and Economic Empowerment is taking up the matter personally to get things moving. Thank you.

(1) **CUREPIPE – DRUG ADDICTION**

(2) **COMMUNITY & MUNICIPAL CENTRES – ACTIVITIES**

**Mr A. Duval (First Member for Curepipe & Midlands):** Thank you Madam Speaker. I have two very quick requests, first of all, law and order in Curepipe. It is addressed to the hon. Prime Minister in the absence of the Minister Mentor. Can there be *une présence*

*plus accrue des policiers?* There have been a number of thefts and there is, of course, the drug problem all around Curepipe, all around my Constituency. It is true hon. Prime Minister, there is synthetic drug. Can something be done for une présence plus accrue des policiers.

Secondly, it concerns the Minister of Social Security. With regard to the allocation des centres qui tombent sous la SIC - le Sugar investment Fund, les centres communautaires...

*(Interruptions)*

Exactly, yes thank you. I do not know if there has been a change of policy because we as MPs now cannot seem to be booking the centre to regroup our mandates and to have des réunions avec eux pour leur parler, etc. And there seems to be *une politique de deux poids et deux mesures*. It is the same for les centres municipaux. Can something be done because we have been sending letters - I can table them - and we have no reply or we are being refused access. Has there been a change of policy for Opposition MPs? Thank you.

**The Prime Minister:** I will look into the matter with regard to the posting of Police officers in different parts of Curepipe, but I will also request any Member for that matter, if there are specific information with regard to synthetic drugs, please pass those information to me.

**The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou):** Madam Speaker, I know that the hon. Member was addressing me but community centres and social welfare centres now fall under the aegis of the Minister of Gender Equality, Child Development and Family Welfare.

**The Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Daureeawoo):** Well, the centres are meant for social activities and not regrouping of mandates.

*(Interruptions)*

You said earlier that you sent letters. Can you just send me copies ...

*(Interruptions)*

... of those letters? So if the hon. Member can communicate the letters, I will answer him.

**Madam Speaker:** Hon. Armance!

**Mr Armance (First Member for GRNW & Port Louis West):** Thank you Madam Speaker. My request goes to the Minister of Public Utilities as well as the Minister of Land and Housing. The issue concerns the people that have been granted State land in the region of Pointe aux Sables, namely a special place named Cité Blanche which is close to Sugar Planters. The big problem is that they have been there since last year and, up to now, there is no connection to electricity. All these people are living in the dark. I would like the hon. Minister, if he can look into the matter as a matter of urgency, if he can do provision to provide electricity at Cité Blanche.

**The Minister of Technology, Communication and Innovation (Mr Y. Sawmynaden):** I will pass on the message to both Ministers. The Deputy Prime Minister and the Vice Prime Minister and I hope that *bientôt le soleil se lèvera là-bas*.

*At 5.08 a.m., the Assembly was, on its rising, adjourned to Tuesday 09 May 2017 at 11.30 a.m.*

## WRITTEN ANSWERS TO QUESTIONS

### MELROSE PRISON – MAINTENANCE - CONTRACT

**(No. B/314) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Melrose Prison, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to the name of the contractor for the maintenance thereof for the financial year 2016, indicating the contractual value thereof.

**Reply:** I am informed by the Commissioner of Prisons that the contract for maintenance works at the Eastern High Security Prisons, Melrose was signed between the Mauritius Prison Service and Beijing Zhuzong-Hyvec Partners JV, at the end of the Defects Liability Period in October 2014. The maintenance contract in respect of the Sewer Treatment Plant was for a period of three years, whereas the maintenance contracts for the following were each for a period of five years:

- (a) Security Management System and Fibre Optics Detection Technology;
- (b) CCTV System;
- (c) Security Systems, covering Fire Alarm System and Guard Alarm System, amongst others;
- (d) Computer Networking System; and
- (e) Kitchen and Bakery Equipment.

The values of the above contracts for the year 2016 are as follows -

a)	Maintenance of Sewer Treatment Plant	Rs405,375.00
b)	Security Management System and Fibre Optics Detection Technology	Rs5,416,575.97
c)	Maintenance of CCTV Systems	Rs4,370,000.00
d)	Maintenance of Security Systems	Rs1,550,200.00
e)	Maintenance of Computer Networking	Rs398,555.00
f)	Maintenance of Kitchen and Bakery Equipment	Rs208,383.59

#### **GRAND BOIS – CEMETERY – HINDU SECTION**

(No. B/315) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Local Government and Outer Islands whether, in regard to the Hindu section of the Cemetery at Grand Bois, he will state where matters stand as to the proposed upgrading thereof.

**Reply:** I wish to refer the hon. Member to the reply made on 03 November 2015 by the former Minister PQ B/794 on this issue. I am now informed by the District Council of Savanne that the upgrading of the uncovered pyre has already been completed on 18 August 2016.

I am also informed by the Council that the structure of the existing shelter at the Hindu Section of the Grand Bois Cemetery has cracked at several places thus representing a serious danger to the users. In view of the difficult financial situation faced by the Council, a request was made to the National Development Unit (NDU) to consider undertaking the necessary upgrading works to the cemetery.



I wish to inform the House that a cremation shelter with two pyres will be reconstructed by the NDU at the cost of Rs2.8 m. These works are expected to start by the end of June 2017.

I am further informed that the NDU also proposes to complete the block-wall fencing of the Grand Bois Cemetery during financial year 2017-2018 and which is estimated to cost Rs3 m.

This demonstrates the commitment of our Hon. Prime Minister when it comes to local development.

#### **SERGE ALFRED SWIMMING POOL - ACCESS**

**(No. B/316) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Serge Alfred Swimming Pool, he will state if he is aware that members of the public are no longer given access thereto on Saturdays and Sundays and, if so, will he, for the benefit of the House, obtain from the Mauritius Sports Council, information as to the reasons therefor.

*(Withdrawn)*

#### **METRO EXPRESS PROJECT – STATIONS – LAND EARMARKED**

**(No. B/317) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Metro Express Project, he will state the extent of land that will be required in respect of each urban station thereof, indicating –

- (a) if car parks will be integrated therein, and
- (b) how the Rose Hill Arab Town will be integrated therein.

**Reply:** As I stated at the National Assembly in a reply to PQ B/192 at its sitting of 11 April 2017, one of the components of the Metro Express Project provides for the redevelopment and rejuvenation of Urban Terminals at Victoria, Immigration Square, Rose Hill, Quatre Bornes, Vacoas and Curepipe.

The extent of land involved for these terminals would be around 50 acres. “Smart Park and ride facilities” are being planned and the possibility of having an integrated ticketing system, as exists in other countries for parking facilities, bus and metro travel is being studied.

Furthermore, we are looking into the possibility of having SMART car parkings with card system. The specification would be worked out under the guidance of the Ministry of Technology, Communication and Innovation.

As regards the Arab Town, it will be integrated in the Rose Hill urban terminal and will be completely reengineered to suit the configuration of a modern and rejuvenated Rose Hill.

### **METRO EXPRESS PROJECT – OPERATIONS**

(No. B/318) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Metro Express Project, he will state if –

- (a) legislation will be introduced in the House for the setting up of a Metro Express Transit Authority for the operation of the Metro Express Transit System and, if so, indicate -
  - (i) when, and
  - (ii) if provision will be made therein for the ticketing mechanism that will be introduced therefor, and
- (b) the operation system thereof will be Government-owned.

**Reply:** With regards to part (a) of the question, I am informed that all the steps are being taken for the necessary legislations to be introduced for the purpose of implementing and operating the Metro Express Project. In this respect, the forthcoming Railway Act and other supporting regulations would provide, *inter alia*, for –

- (i) the operation of the Metro Express, and
- (ii) for appropriate ticketing and fare regulations to ensure affordability for all users.

As regards operation of the Metro Express, in the first instance, an international operator will be selected to run, operate and maintain the Metro Express until Metro Express Limited (MEL) acquires the required capacity to do so, as has been the practice in many countries where such a system has been introduced.

### **METRO EXPRESS PROJECT – STATIONS - CONSTRUCTION**

(No. B/319) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Metro Express Project, he will state the number of stations that will be constructed on –

- (a) the elevated level and ground level respectively, and
- (b) if the platforms thereof and the trains will be placed at the same level.

**Reply:** With regard to part (a) of the question, I am informed that the Metro Express Project would cover a distance of 26 Km from Port Louis to Curepipe, with 19 stations. Two elevated stations will be at Curepipe and Rose Hill interchange.

Regarding part (b) of the question, station platform levels would be designed to match the height of the train for safe and easy boarding and alighting. In addition, all stations would be user-friendly and cater for citizens with special needs and the elderly

#### **BAI CO. (MTIUS) LTD. – ASSETS - SALE**

(No. B/320) **Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the sale of the assets of the former BAI Co. (Mtius) Ltd. group of companies, he will, for the benefit of the House, obtain from the –

- (a) National Property Fund, and
- (b) Special Administrators for BAI Co. (Mtius) Ltd., information as to the amount of commission and fees paid and payable in connection therewith, indicating in each case the name of the persons to whom such commissions and fees have been paid and the criteria used for the selection thereof.

*(Withdrawn)*

#### **MAURITIUS CANE INDUSTRY AUTHORITY PENSION FUND – PENSION BENEFITS**

(No. B/321) **Mr R. Uteem (First Member for Port Louis South & PortLouis Central)** asked the Minister of Agro-Industry and Food Security whether, in regard to the Pension Fund of employees and former employees of the Mauritius Cane Industry Authority, he will, for the benefit of the House, obtain from the Pension Fund, information as to the -

- (a) current financial situation thereof, indicating the deficit, if any, therein, and
- (b) actions, if any, that are being taken to ensure the solvency and sustainability thereof.

**Reply:** The House will note that the activities of the following six service providing institutions, namely -

- 1) Mauritius Sugar Authority(MSA)
- 2) Farmers Service Corporation(FSC)

- 3) Mauritius Sugar Terminal Corporation(MSTC)
- 4) Sugar Planters Mechanical Pool Corporation (SPMPC)
- 5) Mauritius Sugar Industry Research Institute (MSIRI), and
- 6) Cane Planters and Millers Arbitration and Control Board

were merged in the context of the sugar reform programme in 2012 to create the Mauritius Cane Industry Authority (MCIA). Hence there was a need to form a single Pension Fund, the MCIA Pension Fund, to manage the pension benefits of all MCIA employees.

I am informed by the Mauritius Cane Industry Authority that the pension scheme of the authority was initially set up in 2012 by the merging of the existing Statutory Bodies pension funds of the following 4 SPIs -

- (a) Mauritius Sugar Authority (MSA)
- (b) Farmers Service Corporation (FSC)
- (c) Mauritius Sugar Terminal Corporation (MSTC) and
- (d) Sugar Planters Mechanical Pool Corporation (SPMPC).

The MCIA Pension Fund is being administered and managed by SICOM under the purview of the Statutory Bodies Pension Funds Act.

With regard to the fifth SPI, namely Cane Planters and Millers Arbitration and Control Board, the House will note that it was operated as a Government Department prior to the setting up of the MCIA and therefore the pension benefits of the employees were administered by the Accountant General.

Again with the taking over of the activities of the Cane Planters and Millers Arbitration and Control Board by MCIA, the pension benefits of employees who had decided to join the MCIA will be funded partly by the Accountant General for services accrued before joining the MCIA and the MCIA will cover accrual for services for period after joining the MCIA.

As for the sixth SPI, that is the MSIRI, the pension benefits of its employees were payable from 3 different schemes, namely -

- 1) National Pension Fund (NPF)
- 2) Sugar Industry Pension Fund (SIPF), and
- 3) MSIRI Pension Fund

For employees of ex-MSIRI joining the MCIA the same principle as the Cane Planters and Millers Arbitration and Control Board shall apply. Their past service benefits

will be covered in part by NPF and SIPF and future accrual of benefits after joining MCIA will be covered solely by MCIA Pension Fund. However due to the technical complexity of the ex-MSIRI Pension Fund, consultations are still being held with SICOM, the Financial Services Commission and the legal adviser of MCIA, the Solicitor General, to identify and consider all issues before its transfer to the MCIA Pension Fund.

With regard to part (a) of the question, the Actuarial Valuation of the MCIA Pension Fund was last carried out by SICOM in December 2014. According to that Actuarial Valuation Report, the actuarial value of past service liabilities exceeded the fair value of assets by Rs370 m.. This excluded the actuarial deficit of the MSIRI Pension Fund which stood at Rs89 m.. The next actuarial valuation will be undertaken by SICOM in December 2017.

The House will also note that in 2012, with the sugar reform programme, some 173 employees of the different SPIs opted for VRS and were pensioned off. This exercise led to an increase in the liabilities of the MCIA Pension Fund as pensions were paid earlier than previously expected and those pensions will now be paid for relatively longer period. The combined prospective deficit of the 5 SPIs, excluding MSIRI, were Rs30.0 m. immediately before the merger and Rs220 m. after the merger, implying that the VRS exercise had an impact of Rs190 m. on the MCIA Pension Fund. At that point in time no special contribution was made to the Pension Fund to cover that unforeseen increase in liabilities.

With regard to part (b) of the question, although there is a past service deficit of Rs370 m., the MCIA Pension Fund is receiving regular contributions at the rate of between 15% and 22% of salaries of employees. This amounted to Rs58.7 m. received in contribution for the period 01 January 2012 to 31 December 2014. For the same period, Investment Income of Rs30.1 m. was earned. The combined amount of contribution received and Investment Income earned exceeded the total expenditure of the Pension Fund which amounted to only Rs56.1 m. for that same period.

The Actuarial Valuation report of December 2014 does not highlight any liquidity or cash flow problem in the immediate term. Nevertheless in order to completely eliminate the past service deficit and ensure the solvency of the Fund in the longer term, the following recommendation was made:

- To set the rate of contribution at the uniform rate of 25% of pensionable emoluments for all members and in addition
  - (i) An annual cash injection of Rs57.5 m. over 5 years, or
  - (ii) An annual injection of Rs35.1 m. over 10 years.

I am informed by the MCIA that this recommendation has not yet been implemented. The operations of the MCIA are financed principally from CESS fund and given the precarious situation in the sugar industry, great care needs to be exercised regarding the manner in which funds will be secured to eliminate the past service deficit in the Pension Fund.

I am advised that the MCIA has already planned to introduce an additional provision in its budget estimates of 2017/18 and onwards to cater for its pension fund deficit. Moreover, from the fund available to cover the VRS exercise in 2012, after having incurred all the expenses the MCIA is considering to use the remaining amount to partly fund the pension fund deficit. Any measure to eliminate the deficit will be spread over the long term for a number of years.

The MCIA is working in close consultation with SICOM, the Financial Services Commission and its legal adviser, the Solicitor-General, to resolve all pending issues, including the transfer of ex-MSIRI Pension Fund. The next triennial actuarial valuation which is due in December 2017 will take into account the above measures in formulating realistic recommendations for the MCIA.

It is worth mentioning that no action was taken in March 2012 when the MCIA came into operation to address the issue of increase in pension liabilities following the VRS exercise. It was abundantly clear that with the departure of some 173 employees on voluntary retirement, there would be considerable pressure on the pension fund with the underlying increase in benefit payments and reduction in future contribution.

#### **NTA – ROAD TRANSPORT COMMISSIONER - QUALIFICATIONS**

**(No. B/322) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the post of Road Transport Commissioner at the National Transport Authority, he will, for the benefit of the House, obtain from the Authority, information as to the qualifications held by the incumbent thereof.

**Reply:** I am informed that the post of Road Transport Commissioner was advertised by the Public Service Commission (PSC) on 15 July 2015, following the retirement of the substantive holder of the post on ground of age limit on 06 May 2015.

In accordance with the qualifications laid down in the Scheme of Service of the post of Road Transport Commissioner, invitation for application was opened to serving officers

who were drawing salary in a scale, the minimum of which was not less than Rs36,575 monthly and who possessed the following qualifications -

- (i) The Chartered Membership of the Chartered Institute of Transport (London) or Chartered Membership of the Chartered Institute of Logistics and Transport (UK)

or

- (ii) A degree in Automobile Engineering or Mechanical Engineering or Administration or Law from a recognized institution.

or

an equivalent qualification to the above acceptable to the Public Service Commission.

The candidates were also required, amongst others, to reckon at least five years' experience in an administrative/managerial position in the public service.

In line with the decision of the PSC following the selection exercise, Mr K. Reesaul was offered employment on 03 December 2015 as Road Transport Commissioner in a temporary capacity for an initial period of six (6) months.

The National Transport Authority has informed that Mr K. Reesaul holds, *inter alia*, the following qualifications as per records available on file -

- (i) Degree of Master of Science in Transportation Engineering from the University of Natal, South Africa (1995); and
- (ii) Membership of the Chartered Institute of Transport (Australia) (2000).

However, the decision of the PSC to appoint Mr Reesaul as Road Transport Commissioner was challenged by one Deputy Road Transport Commissioner, namely Mr Nassir Ally Khadun, by way of an appeal lodged before the Public Bodies' Appeal Tribunal on ground of the incumbent's qualifications.

In its determination, the Public Bodies' Appeal Tribunal quashed the decision of the PSC to appoint Mr Reesaul as Road Transport Commissioner.

I understand that the PSC is dissatisfied with the decision of the Public Bodies' Appeal Tribunal and has sought judicial review before the Supreme Court.

I wish to remind the House that queries were raised in Parliament on 1 September 2016 in relation to the qualifications of the Road Transport Commissioner. Upon my instruction, my Ministry approached the Tertiary Education Commission to advise on the recognition of the qualifications that the incumbent avers to hold.

The TEC was accordingly requested to advise on the recognition of the following eight (8) qualifications which were considered to be most relevant to the post of Road Transport Commissioner -

- (i) Professor of Science in Engineering;
- (ii) Doctor of Philosophy in Transportation Engineering;
- (iii) Master of Business Administration, Human Resource Management;
- (iv) Degree of Master of Science in Transportation Engineering;
- (v) Bachelor of Laws in Criminal Law;
- (vi) Associate Member in Automobile Technology;
- (vii) Fellow of the Chartered Institute of Logistics and Transport, and
- (viii) Member of the Chartered Institute of Transport.

The TEC ruled out seven (7) out of the eight (8) qualifications and confirmed recognition of the Master in Science in Transportation Engineering awarded by the University of Natal, South Africa, only.

Following the ruling of the Public Bodies Appeal Tribunal, Mr Khadun served a '*Notice Mise en Demeure*' on 21 March 2017, on the PSC and my Ministry to the effect that the decision of the PBAT was not being respected.

In the absence of any instructions received from the PSC, my Ministry consulted the State Law Office (SLO) on the matter. According to advice tendered by the SLO, there was no legal obligation for my Ministry to comply with the '*Notice Mise en Demeure*' and that pending the decision of the Supreme Court in the Judicial Review proceedings, there could not be any finality in the decision of the PBAT.

#### **SSRN HOSPITAL – DR. S. G., CARDIAC SURGEON - ALLOWANCE**

(No. B/323) Dr R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Minister of Health and Quality of Life whether, in regard to Dr S. G., Cardiac Surgeon at the Sir Seewoosagur Ramgoolam National Hospital, he will state –

- (a) if he has recently been awarded an increase or monthly allowance to the tune of Rs100,000 and, if so, indicate the reasons therefor and since when, and
- (b) the amount of money claimed by him and paid thereto for additional work performed beyond his normal working hours, since 2010 to date.



*(Withdrawn)*

### **SALE BY LEVY - LEGISLATION**

**(B/324) Mr K. Ramano (Third Member for Belle Rose and Quatre Bornes)** asked the Attorney-General whether, in regard to the Sale by Levy, he will state when new proposed legislation in relation thereto will be introduced in the House.

*(Vide Reply to P.Q. No.B/288)*

### **SC & HSC EXAMINATIONS – FEES - SPONSORSHIP**

**(No. B/326) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the payment of fees for the Cambridge School Certificate and the Cambridge Higher School Certificate Examinations in 2017, she will state the conditions for the students to benefit from the exemption thereof.

**Reply:** All school candidates attending State, registered Private grant-aided & Private fee paying Secondary Schools sitting for the October/November Cambridge GCE/ SC/ HSC examinations for the first time, will subject to their meeting the 90 % attendance requirement, benefit from sponsorship of their examination fees by Government.

The sponsorship applies to a maximum of eight subjects at SC/ GCE O level and a maximum of five subjects at HSC/ GCE A level.

A student is deemed to satisfy the attendance criteria, provided that he/ she has not been absent for more than 15 days in each of the year 2016 and 2017 that is -

- (i) for Grades 10 and 11 in respect of SC/GCE O level candidates; and
- (ii) for Grades 12 and 13 in respect of HSC /GCE A level candidates.

This will however exclude absences due to prolonged illnesses (or hospitalisation) evidenced by medical certificates submitted at that particular time.

The above has been communicated to all Heads of Schools by way of a circular letter issued by my Ministry on 10 January 2017. I also wish to add that circulars have been issued in respect of the scheme early February last year, notifying the students about the modalities for the sponsorship and which cover years 2016 and 2017.

As regards students sitting for the above examinations for the second time, there are two schemes which have been set up by the Ministry of Social Security, National Solidarity

and Environment and Sustainable Development and the Ministry of Social Integration and Economic Empowerment as follows -

- (i) The Ministry of Social Security, National Solidarity and Environment and Sustainable Development will consider requests for payment of examination fees for students who have failed at their first attempt and who are resitting for the above examinations provided that the households are registered in the Social Register of Mauritius or their parents are recipients of either social or unemployment hardship relief, or basic pensions. In this connection, a press communiqué has been issued by the Ministry of Social Security, National Solidarity and Environment and Sustainable Development on 02 March 2017 to inform the public of the above conditions.
- (ii) The Ministry of Social Integration and Economic Empowerment (MSIEE) will pay fees for students from households registered under the Social Register of Mauritius, whose wards wish to resit for the above examinations in order to improve their educational qualifications.

#### **SCHOOLS – DRUG ADDICTION - SENSITISATION PROGRAMMES**

**(No. B/327) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the drug problem in schools, she will state the actions that have been initiated in respect thereof, if any, following the hearing of her Ministry before the Commission of Inquiry on Drug Trafficking.

**Reply:** The Education Sector was heard before the Commission of Enquiry on drug trafficking around the period July 2016. The report is still awaited.

Notwithstanding the sitting of the Commission, there is a mechanism set up by my Ministry with regard to anti-drug actions at school level which has been established following wide consultations with Heads of schools. A strict protocol has been devised for all to follow in cases of suspected drug abuse.

In line with our objective to maintain a safe and supportive environment for the school community, all necessary efforts are being deployed to enhance preventive drug education programmes and inculcate values as well as a positive behaviour in young students.

In fact, I had stated earlier that a zero tolerance policy has been adopted and strict control measures at all levels have been put in place.

Several measures have been implemented to combat drug abuse in schools. These include, among others;

- (a) enlisting the participation of parents/PTAs, NGOs, Police and other relevant stakeholders in preventive actions;
- (b) regular patrolling by Police in the vicinity of risk prone areas and reinforced surveillance;
- (c) provision of CCTV cameras in secondary schools and some primary schools;
- (d) talks and informative sessions on themes related to drug prevention; and
- (e) ensuring surveillance and control at school level especially within the school premises, including laboratories and in the immediate vicinity of the school. Students are even encouraged to reveal any relevant information which could be useful for schools to take preventive action.

In addition, the curriculum for Grades I to 9 has been reviewed to now place a greater emphasis on life skills and values.

My Ministry and the Zonal Directorates have been working in close collaboration with ADSU for the conduct of sensitisation programmes in schools as well as sharing of intelligence. In this context, a dedicated meeting was held at the Ministry with the Deputy Commissioner of Police responsible for the ADSU to discuss the handling of drug related cases occurring at schools. A protocol has been established between ADSU and the Zone Directors regarding the prevention and detection of drug cases among the student population in or outside school/college premises.

I further wish to highlight that Senior officers of my Ministry have had a working session with a Crime Prevention and Criminal Justice Officer of the United Nations Office on Drugs and Crime (UNODC) on 07 April 2017 in the context of the Education for Justice Initiative commonly known as E4J initiative. This is an innovative and comprehensive educational approach designed to support the integration of Crime prevention and other rule of law aspects into all levels of education, from primary to tertiary with a view to building long term approaches to countering crime and violence.

It is also considered appropriate to have an intense anti-drug campaign focussing on drug prevention and substance abuse, inviting not only the participation of students but also that of all stakeholders including the PTA, Educators and Head of Schools. This campaign would be relentlessly pursued and sustained.

My Ministry is working in close collaboration with ADSU, the police and the Ministry of Health and Quality of Life for the eradication and prevention of the drug problem in Mauritius. My Ministry is also a member of the National Drug Observatory which has been set up with the objective of monitoring and assessing the drug situation and devising appropriate strategies to deal effectively with the problem of drug abuse.

I repeat what said earlier. My Ministry stand is to have a zero tolerance policy on drugs in schools.

#### **NEW MAURITIUS HOTELS – SHARES - ACQUISITION**

(No. B/329) Mr A. Duval (First Member for Curepipe & Midlands) asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the acquisition of shares in the New Mauritius Hotels, he will, for the benefit of the House, obtain from the Financial Services Commission, information as to the date of appointment of Mr K. T. as investigator by the Commission in relation thereto, indicating the

–

- (a) quantum of the fees payable thereto, and
- (b) when he is expected to submit his report in relation thereto.

*(Withdrawn)*

#### **EX-DUBREUIL TEA FACTORY - RE-OPENING**

(No. B/331) Mr A. Duval (First Member for Curepipe & Midlands) asked the Minister of Agro-Industry and Food Security whether, in regard to the proposed re-opening of the ex-tea factory in Dubreuil, as announced in the Budget Speech 2016-2017, he will state where matters stand.

**Reply:** I am informed that the procedure for the re-opening of the ex-Dubreuil Tea Factory is well under way. In this context, the promoter namely Mauristea Investment Co Ltd, has obtained a reservation letter from the Ministry of Housing and Lands regarding the allocation, on lease, of the project area.

The valuation assessment exercise has been completed and the terms and conditions of the lease agreement are being finalised. The agreement will be signed shortly between the two parties.

I am also informed that the architectural drawings and lay-out plan for the proposed tea factory have now been finalised. The promoter has already cleared the site and initiated action to secure all necessary clearances and permits from the relevant authorities.

The promoter is awaiting the signature of the lease agreement before applying for a Building and Land Use Permit. The construction works are tentatively planned for June 2017. In the meantime, the company is setting up a nursery on the site for production of planting materials for its future tea plantation.

#### **MAHEBOURG-BAMBOUS VIRIEUX - OYSTER FARM – PROMOTER**

**(No. B/334) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the Oyster Farm of Mahebourg-Bambous Virieux, he will state –

- (a) the name of the promoter/company involved therein, indicating the shareholding of each director;
- (b) if any lease agreement has been signed;
- (c) the extent of sea leased and the rental value thereof, and
- (d) if it has been issued with an Environment Impact Assessment Licence, and
- (e) the estimated thereof on the fishermen thereat.

*(Withdrawn)*

#### **MEDICAL AND LIFE INSURANCE SCHEMES – PERSONS WITH DISABILITIES**

**(B/336) Mr A. Ganoo (First Member for Savanne & Black River)** asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the Medical and Life Insurance Schemes, he will state if consideration will be given for the existing legislation to be amended with a view to prohibiting insurance companies from discriminating against persons with disabilities to subscribe thereto.

**Reply:** I am informed by the Financial Services Commission that it operates a Complaints Desk for members of the public using and/or intending to use financial products

and/or services (falling under its regulatory purview) and who feel aggrieved by the services being provided by its licensees including Insurance Companies.

I am further informed that, as at now, the FSC has not received any complaint on cases of discrimination against persons with disabilities seeking to subscribe to Medical and Life Insurance Schemes.

I am advised that, in practice, an insurance company will consider persons with disabilities wishing to subscribe to such insurance policies as 'substandard'. This is a policy issued to someone who does not qualify for a standard insurance rate. Sub-standard insurance policies may contain special or restricted provisions or higher premiums because the insured carries a greater risk.

A person who does not qualify for medical and life insurance and classified as substandard may receive a rated (or substandard) policy in place of the one originally applied for. When this occurs, the insurer is usually prepared to not only explain the reasons for the substandard rating but also to explain the rated policy that the insurer has issued. Different insurers also have different practices when pricing such substandard policies.

At present, for the protection of policyholders, the Insurance Act 2005 provides at -

(a) Section 80 (Information on policies) where an insurance policy is entered or varied, the insurer shall provide the policyholder written information in the form of a summary.

The more so, at section 80 (1) (d), the events in respect of which the policy benefits are to be provided and the circumstances, if any, in which those benefits are not provided.

(b) Section 87 (premium rate under long term policy) that a long term insurer shall not issue a long term insurance policy except where the premium rate chargeable under that class of policy has been certified by the actuary as being prudentially sound.

I am advised that the FSC will engage discussions with the Insurers' Association and will inform the Ministry of any considerations, if any, to be given to existing legislations on this matter.

**POLICE DES JEUX – OFFICERS – GRADE & POSTING**

(B/337) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Rt hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Brigade des Jeux, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the grade of officers attached thereto, indicating in each case, the date of posting thereof.

**Reply:** I presume that the hon. Member means “*Police des Jeux*” when he is referring to “*Brigade des Jeux*”.

I am informed by the Commissioner of Police that the “*Police des Jeux*” falls under the responsibility of the Anti-Drug and Smuggling Unit and deals with all cases relating to illegal betting, bookmaking, racketeering and gaming houses.

14 officers are posted in the unit namely -

- One (1) Chief Inspector;
- One (1) Inspector;
- Three (3) Police Sergeants;
- Two (2) Corporals;
- Six (6) Police Constables, and
- One (1) Woman Police Constable.

The officers have been posted to the “*Police des Jeux*” as from the following dates -

July 2015	1 Chief Inspector 1 Inspector 1 Police Sergeant 1 Police Constable
September 2015	1 Police Sergeant 2 Corporals
June 2016	2 Police Constables 1 Woman Police Constable
April 2017	1 Police Sergeant 3 Police Constables

**MUNICIPAL CITY COUNCIL OF PORT LOUIS – EMPLOYEES – MINOR  
CRIMINAL OFFENCES**

(No. B/340) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West) asked the Minister of Local Government and Outer Islands whether he will state if he is aware of cases of employees of the Municipal Council of Port Louis having lost their jobs following the sentencing thereof to the payment of fines in cases of minor criminal offences and, if so, indicate if consideration will be given for proposed amendments to the legislation to be introduced in the House to prevent such occurrences.

**Reply:** I am informed that five employees of the Municipal City Council of Port Louis have been dismissed under Regulation 36 of the Local Government Service Commission Regulations 1984 for various criminal offences committed.

The House may wish to note that Regulation 36 of the LGSC Regulations 1984 provides that –

Where a local government officer is found guilty of a criminal charge

i) likely to warrant disciplinary proceedings, the responsible officer shall forthwith forward to the Secretary of the LGSC a copy of the charge and the proceedings relating thereto together with his own recommendation.

The Commission shall determine whether an officer to whom paragraph

ii) (1) relates should be dismissed or subjected to some disciplinary punishment other than dismissal or whether his service should be terminated in the public interest if the proceedings disclose grounds for doing so, without any of the proceedings prescribed in regulation 37, 38 or 39 being instituted.

The question as to whether an officer should be dismissed or not is the prerogative of the LGSC.

Any local government officer aggrieved by the decision of the LGSC for his/her dismissal may appeal against that decision before the Supreme Court.

As regards the proposal for any amendment to the LGSC Regulations, this is the prerogative of the Prime Minister's Office given that the LGSC is under the aegis of the Prime Minister's Office.



**MECHANICAL WORKSHOPS – USED OIL – DISPOSAL**

**(B/341) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, he will state if he is aware that most mechanical workshops are not equipped with appropriate tanker for proper disposal of used oil and, if so, indicate if consideration will be given for the introduction of legislation to make it compulsory for a mechanical workshop to be so equipped prior to being issued with or to obtain a renewal of a trade licence to operate a mechanical workshop.

**Reply:** Current Legislation already makes it compulsory for mechanical workshops to be equipped with appropriate containers for the storage and disposal of used oil.

As a matter of fact, the disposal of used oil in our Republic is governed by the Environment Protection (Collection, Storage, Treatment, Use and Disposal of Waste Oil) Regulations 2006. Under these regulations, any person whose industrial, commercial or other activity generates waste oil is categorised as a “small generator” or a “big generator”, depending on the volume of used oil which is generated every month.

Under regulation 4 of the Environment Protection (Collection, Storage, Treatment, Use and Disposal of Waste Oil) Regulations 2006, all generators of waste oil must use a specified container for the storage and disposal of waste oil.

Mechanical workshops must therefore be equipped with steel containers for the storage of waste oil. It is worth noting that any breach of the law is severely sanctioned.

Indeed, under regulation 10 of the Environment Protection (Collection, Storage, Treatment, Use and Disposal of Waste Oil) Regulations 2006, any contravener is on first conviction liable to a fine not exceeding Rs50,000 and to imprisonment for a term not exceeding 2 years. This sanction may be increased to a fine of up to Rs100,000 and to imprisonment for a term of up to 8 years for a second or subsequent conviction.

As matters currently stand, no change in the law is presently envisaged.

**ST BRANDON ISLANDS – FISHING VESSELS - LICENSES**

**(No. B/342) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West)** asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the St Brandon Islands and other fishing banks, he will give a list of the fishing vessels authorized to carry out fishing activities thereat, indicating the terms and conditions of the authorization in each case.

**Reply:** Only Mauritian owned fishing vessels have been issued fishing licences in accordance with Sections 36 to 38 of the Fisheries and Marine Resources Act 2007, to carry out fishing activities at St Brandon and other fishing banks.

Presently twenty two fishing vessels are carrying out such activities on these fishing banks.

I am tabling the list of the fishing vessels which have been authorised to carry out fishing activities as well as the terms and conditions attached thereto.

### **MELVILLE – SOCIÉTÉ LE GRAND GAUBE - LEASES**

**(No. B/343) Mr G. Lesjongard (Second Member for Savanne and Black River)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the leases over two plots of State land located in the region of Melville held by Société Le Grand Gaube, he will state (a) the extent thereof, indicating when same were granted (b) the purposes thereof, indicating if same were varied and, if so, indicate when and (c) if he is aware of a claim in relation thereto.

*(Withdrawn)*

### **POLICE FORCE – PROFILE & COMPETENCIES**

**(No. B/346) Mr S. Baboo (Second Member for Vacoas & Floreal)** asked the Rt hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Police Officers, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if consideration will be given for bringing reform in the –

- (a) aptitude requirements of aspiring Police Officers, and
- (b) methodology used in the training offered in the Police Training School, with a view to attracting candidates with the required profile to hold such posts and as a means of curbing the suicide rate amongst Police Officers.

**Reply:** As the House is aware, appointments and promotions in the Mauritius Police Force fall within the purview of the Disciplined Forces Service Commission. However, the Commissioner of Police, as the Supervising Officer, is responsible for bringing reform in the Police Force.

In this regard, I am informed by the Commissioner of Police that a number of measures have been implemented as part of a reform exercise with a view to attracting

candidates with the required profile and competencies in the Police Force and also as a means of curbing the suicide rate amongst Police Officers. These include, amongst others -

- (i) Revision of the Schemes of Service for the grades of Police Constable and Woman Police Constable in October 2016 whereby the age limit for entry in the Police Force has been raised from 25 to 28 years and the requirement of Body Mass Index has been removed;
- (ii) Broadcast of video clip on MBC TV and online posting to motivate aspiring youngsters to join the Police Force as was done for the last selection exercise for the recruitment of Police Constables;
- (iii) Participation of a Psychologist in the Interview Panel constituted by the Disciplined Forces Service Commission to help assess in a professional manner the psychic attitude of candidates to be appointed as Police Constables;
- (iv) Selected candidates are required to undergo a basic training course of one year duration. The training covers a wide range of topics including stress management, ethics, right attitudes and values, empathy and customer care so as to psychologically empower the officers to face their day to day challenges;
- (v) Active involvement of recruits since 2016 in civic and social activities to reinforce their sense of patriotism and citizenship to serve the citizens with pride and devotion;
- (vi) Recruits are now given the option to choose the field in which they wish to pursue their career such as para-military, public order or front line policing;
- (vii) Introduction of a new Cadet Scheme to encourage young officers to join specialized units such as Police IT Unit, Police Communication Branch or the Engineer Squadron;
- (viii) The implementation of a "*Stress Prevention and Intervention Strategy*" to provide psychological and medical assistance to Police Officers at risk;
- (ix) The setting up of a Police Internal Assessment Cell since March 2017 to attend to workplace concerns and grievances of individual Police Officers;
- (x) The coming into operation of the Police (Membership of Trade Union) Act 2016 on 09 January 2017 which allows Police Officers to discuss with Management on matters relating to conditions of service;
- (xi) The introduction of a specific scheme by the Police Family Protection Unit with a view to providing support to Police Officers who are victims/collateral victims of domestic violence, and

- (xii) The conduct of awareness sessions on suicide prevention by Life Plus Unit in the Police Force. Since 2015, 13 sessions have been carried out targeting 900 Police Officers.

In the circumstances, no further change is envisaged for the time being.

### **NHDC – HOUSING UNITS – CONSTRUCTION**

**(No. B/349) Mr Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the construction of social houses in mainland Mauritius, he will, for the benefit of the House, obtain from the National Housing Development Company Ltd., information as the bids allocated therefor, indicating the number of housing units that have been delivered, since 01 January 2015 to date.

**Reply:** I am informed by the National Housing Development Co Ltd that, since 01 January 2015 to date, construction of 1016 housing units has been completed over 34 sites as follows -

- (a) 271 housing units on 13 sites during the year 2015;
- (b) 366 housing units on 15 sites during the year 2016; and
- (c) 379 housing units on 6 sites for period January 2017 to April 2017.

Twenty bids have been awarded for these constructions.

I am also informed that -

- (a) 17 bids have been allocated for the construction of 1248 housing units over 18 sites. The works are currently in progress and the construction of 802 housing units on 14 sites is expected to be completed by December 2017;
- (b) the evaluation of 2 bids for the construction of 284 housing units on two sites is in progress;
- (c) tender document for the construction of 56 housing units over 1 site is under preparation; and
- (d) the NHDC Ltd has already appointed 3 Consultants for the design and supervision of the construction of 1180 housing units over 7 sites.

I also wish to inform the House that Consultancy Services of NBCC (India) Ltd have been retained under the grant assistance received from the Government of India for the design and supervision of the construction of 700 housing units on 2 sites.

**LANDSCOPE MAURITIUS - CHIEF EXECUTIVE OFFICER -  
APPOINTMENT**

(No. A/2) Mr S. Bhadain (Second Member for Belle Rose & Quatre Bornes) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to N. H., Chief Executive Officer of the State Land Development Company now merged into Landscape Mauritius, he will, for the benefit of the House, obtain therefrom, information as to the –

- (a) scheme of duties thereof;
- (b) terms and conditions of appointment thereof, including the salary and other fringe benefits drawn, and
- (c) number of overseas missions attended since her appointment to date, indicating the countries visited and total cost thereof, including the total amount of per diem allowances paid thereto.

*(Withdrawn)*